

amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3776. Mr. KOHL submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3777. Mr. MENENDEZ (for himself, Mr. LEAHY, Mr. DURBIN, Mr. SARBANES, Mr. LAUTENBERG, Mr. DODD, and Mr. OBAMA) submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3778. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3779. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3780. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3781. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3782. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3783. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3784. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3785. Mr. LEVIN (for himself, Mr. DORGAN, Ms. STABENOW, and Mr. CONRAD) submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3786. Mr. HARKIN submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3787. Mr. KYL submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3788. Mr. KYL submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3789. Mrs. HUTCHISON (for herself, Mr. CORNYN, and Ms. LANDRIEU) submitted an amendment intended to be proposed by her to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3790. Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3791. Mrs. HUTCHISON (for herself, Mr. CORNYN, and Ms. LANDRIEU) submitted an amendment intended to be proposed by her to the bill H.R. 4939, supra.

SA 3792. Mrs. HUTCHISON (for herself, Mr. CORNYN, and Ms. LANDRIEU) submitted an amendment intended to be proposed by her to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3793. Mr. COCHRAN submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3794. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3795. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3796. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3797. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3798. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3799. Mr. INOUE (for himself, Mr. STEVENS, Mr. SHELBY, Mr. SARBANES, and Mr. ROCKEFELLER) submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3800. Mr. INOUE (for himself, Mr. STEVENS, Mrs. HUTCHISON, Mr. ROCKEFELLER, Mrs. BOXER, Mr. LAUTENBERG, Ms. SNOWE, Ms. CANTWELL, Mr. KERRY, Mr. DORGAN, Mr. NELSON, of Florida, and Mr. PRYOR) submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3801. Mr. LEAHY (for himself and Mr. DURBIN) submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3802. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3803. Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3804. Mr. COCHRAN submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3805. Mr. BENNETT submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3806. Mr. BROWNBACK submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3807. Mr. CHAMBLISS (for himself, Mr. ISAKSON, and Mr. INOUE) submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3808. Mr. COLEMAN submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3809. Mr. OBAMA submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3810. Mr. OBAMA (for himself, Mr. COBURN, and Mr. KENNEDY) submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3811. Mr. OBAMA (for himself, Mr. COBURN, and Mr. KENNEDY) submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3812. Mr. BOND submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3813. Mr. OBAMA (for himself, Mr. BINGAMAN, and Mr. SALAZAR) submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3814. Mr. BAUCUS submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3815. Mr. BAUCUS submitted an amendment intended to be proposed by him to the

bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3816. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3817. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3818. Mr. WYDEN submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3819. Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3820. Mr. OBAMA (for himself, Mr. LEVIN, Mr. BAYH, Ms. LANDRIEU, and Mr. LIEBERMAN) submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3821. Mr. SANTORUM submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3822. Mr. INOUE (for himself, Mr. STEVENS, Mr. SHELBY, Mr. SARBANES, Mr. ROCKEFELLER, Mr. REED, Mrs. BOXER, Mrs. CLINTON, and Mr. ALLARD) submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3823. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3824. Mr. VOINOVICH submitted an amendment intended to be proposed to amendment SA 3613 submitted by Mr. VOINOVICH (for himself, Mr. OBAMA, Mr. DEWINE, Mr. LEVIN, Ms. STABENOW, Mr. DURBIN, and Mr. DAYTON) and intended to be proposed to the bill H.R. 4939, supra; which was ordered to lie on the table.

#### TEXT OF AMENDMENTS

**SA 3728.** Mr. VITTER (for himself and Ms. LANDRIEU) submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 165, line 19, strike “\$10,600,000,000” and insert “\$10,400,000,000”.

On page 168, between lines 8 and 9, insert the following:

#### FLOOD PROTECTION, LOUISIANA

SEC. 2054. (a) There shall be made available \$200,000,000 for the Secretary of the Army (referred to in this section as the “Secretary”) to provide, at full Federal expense—

(1) pumping capacity and other measures required to prevent flooding associated with modifications to outfall canals in Jefferson and Orleans Parishes, Louisiana;

(2) repairs, replacements, modifications, and improvements of non-Federal levees and associated protection measures—

(A) in areas of Terrebonne Parish, and of Jefferson Parish in the vicinity of Jean Lafitte; and

(B) on the east bank of the Mississippi River in Plaquemines Parish, Louisiana; and

(3) for armoring the hurricane and storm damage reduction system in south Louisiana.

(b) A project under this section shall be initiated only after non-Federal interests have entered into binding agreements with

the Secretary to pay 100 percent of the operation and maintenance costs of the project and to hold and save the United States free from damages due to the construction or operation and maintenance of the project, except for damages due to the fault or negligence of the United States or its contractors.

(c) The Secretary shall submit to Congress a report detailing a modified plan to protect lower Plaquemines Parish, Louisiana, from damage attributable to hurricanes with a focus on—

- (1) protecting populated areas;
- (2) energy infrastructure;
- (3) structural and nonstructural coastal barriers and protection;
- (4) port facilities; and
- (5) the long-term maintenance and protection of the deep draft navigation channel on the Mississippi River.

(d) Not later than 30 days after the date of enactment of this Act, the Secretary shall offer to enter into a contract with the National Academies to provide to the Secretary a report, by not later than 90 days after the date of enactment of this Act, describing, for the period beginning on the date on which the individual system components for hurricane and storm damage reduction was constructed and ending on the date on which the report is prepared, the difference between—

(1) the portion of the vertical depreciation of the system that is attributable to design and construction flaws, taking into consideration the settling of levees and floodwalls or subsidence; and

(2) the portion of that depreciation that is attributable to the application of new storm datum that may require a higher level of vertical protection in order to comply with 100-year floodplain certification and standard protect hurricane.

(e) The amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

**SA 3729.** Mr. CHAFFE submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 253, between lines 19 and 20, insert the following:

FOX POINT HURRICANE BARRIER, PROVIDENCE, RHODE ISLAND

SEC. 7 \_\_\_\_\_. (a) In this section:

(1) The term "Barrier" means the Fox Point Hurricane Barrier, Providence, Rhode Island.

(2) The term "City" means the city of Providence, Rhode Island.

(3) The term "Secretary" means the Secretary of the Army, acting through the Chief of Engineers.

(b) Not later than 2 years after the date of enactment of this Act, the Secretary shall assume responsibility for the annual operation and maintenance of the Barrier.

(c)(1) The City, in coordination with the Secretary, shall identify any land and structures required for the continued operation and maintenance, repair, replacement, rehabilitation, and structural integrity of the Barrier.

(2) The City shall convey to the Secretary, by quitclaim deed and without consideration, all rights, title, and interests of the City in and to the land and structures identified under paragraph (1).

(d) There are authorized to be appropriated to the Secretary such funds as are necessary

for each fiscal year to operate and maintain the Barrier (including repair, replacement, and rehabilitation).

**SA 3730.** Mr. ALLARD submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 235, between lines 19 and 20, insert the following:

#### SEC. 30 \_\_\_\_\_. REPORT ON FIRE SEASON.

Not later than June 1, 2006, the Secretary of the Interior shall submit to Congress a report that—

- (1) assesses the projected severity of the pending fire season;
- (2) taking into consideration drought, hazardous fuel buildup, and insect infestation, identifies the areas in which the threat of the pending fire season is the most serious;
- (3) describes any actions recommended by the Secretary of the Interior to mitigate the threat of the pending fire season; and
- (4) specifies the amount of funds that would be necessary to carry out the actions recommended by the Secretary under paragraph (3).

**SA 3731.** Mr. WARNER submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 117, between lines 9 and 10, insert the following:

#### SENSE OF SENATE ON IRAQ

SEC. 1312. (a) FINDINGS.—The Senate makes the following findings:

(1) No community in Iraq was spared from Saddam's campaign of repression and division.

(2) Liberation has brought its own challenges. Saddam's removal from power was the essential first step in restoring stability, freedom, and sovereignty for the Iraqi people.

(3) Iraq is a nation with many ethnic, religious, sectarian, regional, and tribal divisions, and before Saddam Hussein, Iraqis from three different backgrounds were able to live and work together.

(4) The terrorists and insurgents are unable to stop Iraq's march toward freedom, democracy, and economic security.

(5) The Iraqi Council of Representatives' approval on April 22, 2006, of the Presidency Council consisting of Jalal Talabani as President and two Deputy Presidents, and the election of a Speaker and two Deputy Speakers is a significant step forward, as is the decision by the Iraqi political leadership to select Jawad al-Maliki as the Prime Minister designate.

(b) SENSE OF SENATE.—It is the sense of the Senate—

(1) that Iraq has crossed another major milestone in its march toward freedom, democracy, and stability with the establishment of its first permanent democratically elected government that will chart the course for Iraq's future in a way denied to previous generations of Iraqis;

(2) to commend Iraq's new national leaders on their selection, and the Iraqi people, for another important milestone in their democratic evolution;

(3) to strongly encourage Iraq's leaders to seize this pivotal moment to—

(A) complete the formation of a government of national unity and expand support

for the Iraq Constitution through amendments to the Iraq Constitution, implementing legislation that enjoys widespread support among all major parliamentary blocs, or both;

(B) pursue policies and actions that will defeat terrorists and insurgents, and promote stability;

(C) strengthen the economy, rebuild infrastructure, and provide jobs;

(D) select cabinet officials who reflect the diversity of the Iraqi people and who can deliver services to the Iraqi people and manage their ministries effectively and efficiently;

(E) form a national security council to improve government coordination on these and other difficult issues;

(F) ensure there is no place in a free and democratic Iraq for armed groups operating outside of the law;

(G) find and remove any local or national police leaders showing evidence of militia loyalties; and

(H) address critical issues such as the process known as de-Ba'athification, the operation of security ministries, and the distribution of oil revenues in a spirit of national unity;

(4) to acknowledge that progress is being made in Iraq and look to the Iraqi government to come to political solutions in a timely, evenhanded and inexorable manner;

(5) to recognize the magnificent performance of the United States Armed Forces and the coalition partners, and United States Government officials from many departments and agencies, as well as the sacrifices of their families at home; and

(6) to always honor the conduct and valor of those who have given life or limb in this noble mission and the families and loved ones who support them.

**SA 3732.** Mr. GRASSLEY (for himself and Mr. BAUCUS) submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 186, after line 22, add the following:

SEC. 2704. Of the funds made available under the heading "Disaster Relief" under the heading "Federal Emergency Management Agency" in chapter 5 of this title, \$38,000,000 is hereby transferred to the Social Security Administration for necessary expenses and direct or indirect losses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: *Provided*, That the amount transferred by this section is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

**SA 3733.** Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

Before the period at the end of title VI (relating to pandemic flu), insert the following: "∴ *Provided further*, That \$10,000,000 of such amount shall be for the development of a neuraminidase inhibitor as an antiviral therapy for seasonal and pandemic influenza, including all strains of avian influenza, that can be administered to patients parenterally: *Provided further*, That \$10,000,000 of such amount shall be for the purchase of an automated high throughput molecular differential diagnosis system to assist in carrying

out domestic and global disease surveillance”.

**SA 3734.** Mr. BINGAMAN (for himself and Mr. DOMENICI) submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 253, between lines 19 and 20, insert the following:

**BORDER SECURITY IN THE EL PASO SECTOR**

**SEC. \_\_\_\_.** (a) **ADDITIONAL AMOUNT FOR CONSTRUCTION.**—The amount appropriated by this Act under the heading “Construction” under the heading “Customs and Border Protection” is increased by \$20,000,000.

(b) **AVAILABILITY.**—Of the amount appropriated by this Act under the heading “Construction” under the heading “Customs and Border Protection”, as increased by subsection (a), \$20,000,000 to remain available until expended shall be available for the El Paso Sector to enhance tactical infrastructure.

(c) **OFFSET.**—Of the amount appropriated by title II of division D of the Consolidated Appropriations Act, 2005 (Public Law 108-447) under the heading “Economic Support Fund” for direct assistance for the West Bank and Gaza, \$20,000,000, are rescinded.

**SA 3735.** Mr. LAUTENBERG (for himself and Mr. MENENDEZ) submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 162, between lines 12 and 13, insert the following:

**RAMAPO RIVER AT OAKLAND FLOOD CONTROL PROJECT**

For an additional amount for the Corps of Engineers for the completion of the Ramapo River at Oakland flood control project in the State of New Jersey, \$445,000, to remain available until expended: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

**SA 3736.** Mr. SALAZAR submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 172, strike lines 15 through 21 and insert the following: “System” for necessary expenses, \$50,000,000, to remain available until expended: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.”

**SA 3737.** Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 117, between lines 9 and 10, insert the following:

**ADDITIONAL AMOUNT FOR PROCUREMENT, DEFENSE-WIDE**

**SEC. 1312.** (a) **ADDITIONAL AMOUNT.**—The amount appropriated by this chapter under the heading “PROCUREMENT, DEFENSE-WIDE” is hereby increased by \$2,000,000.

(b) **OFFSET.**—The amount appropriated by chapter 5 of title II under the heading “DISASTER RELIEF” is hereby decreased by \$2,000,000, with the amount of the reduction to be allocated to amounts available under that heading for operation costs of the Federal Emergency Management Agency.

**SA 3738.** Mr. INOUE submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 142, line 20, after the colon, insert the following: “Provided further, That notwithstanding any other provision of law, \$5,500,000 shall be available for low-interest loans to businesses and individuals to assist in the recovery efforts resulting from the heavy rains and thunderstorms in Hawaii that began on February 20, 2006.”

**SA 3739.** Mr. INOUE submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 165, line 20, after “Provided, That”, insert the following: “notwithstanding any other provision of law, \$27,800,000 of the amount shall be for the State of Hawaii, with \$21,000,000 of the amount for assistance with repairs to Round Top Drive, \$4,500,000 of the amount for public assistance for the State and counties in the State, and \$2,300,000 of the amount for individual assistance and disaster loan programs: *Provided further, That*”.

**SA 3740.** Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_.** **FUNDING FOR PANDEMIC INFLUENZA VACCINE INJURY COMPENSATION.**

For an additional amount for the “Public Health and Social Services Emergency Fund” to compensate individuals harmed by pandemic influenza vaccines, \$289,000,000: *Provided*, That the amounts provided for under this section shall be designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress).

**SA 3741.** Mr. LIEBERMAN (for himself and Mr. BROWNBACKE) submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 238, line 25, insert “through the Global Avian Influenza Network for Surveillance (GAINS) and other programs” after “global disease and surveillance”.

**SA 3742.** Mr. SALAZAR submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 172, after line 21, add the following:

For an additional amount for the “National Forest System” for necessary expenses related to projects focused on reducing the risk of catastrophic fires and mitigating the effects of widespread insect infestations, \$30,000,000: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

**SA 3743.** Mr. LEVIN (for himself, Ms. STABENOW, Mr. COLEMAN, and Mr. VOINOVICH) submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_.** **SCREENING OF MUNICIPAL SOLID WASTE.**

(a) **FINDINGS.**—Congress finds, based on the review of the Office of the Inspector General of the Department of Homeland Security of the effectiveness of screening by the Bureau of Customs and Border Protection of trucks carrying Canadian municipal solid waste, that—

(1) the Bureau does not have an effective method of screening and inspecting the 350 truckloads of municipal solid waste that enter the United States daily through the Detroit and Port Huron ports of entry;

(2) the effectiveness of technologies used as of the date of enactment of this Act to test for the presence of radiation in municipal solid waste is limited;

(3) visual presentation of vehicle and cargo inspection systems does not allow for easily distinguishing drugs, weapons, and other contraband in municipal solid waste; and

(4)(A) physical inspections of municipal solid waste are of limited value because it is difficult to thoroughly inspect compacted municipal solid waste to identify illegal cargo; and

(B) relatively few physical inspections are performed because the inspections are labor intensive.

(b) **DEFINITIONS.**—In this section:

(1) **BUREAU.**—The term “Bureau” means the Bureau of Customs and Border Protection.

(2) **COMMERCIAL MOTOR VEHICLE.**—The term “commercial motor vehicle” has the meaning given the term in section 31101 of title 49, United States Code.

(3) **COMMISSIONER.**—The term “Commissioner” means the Commissioner of the Bureau.

(4) **MUNICIPAL SOLID WASTE.**—The term “municipal solid waste” includes sludge (as defined in section 1004 of the Solid Waste Disposal Act (42 U.S.C. 6903)).

(c) **REPORT TO CONGRESS.**—Not later than 90 days after the date of enactment of this Act, the Commissioner shall submit to Congress a report that identifies the actions that the Bureau will take to achieve the same level of effectiveness in the screening of municipal solid waste for the presence of chemical, nuclear, biological, and radiological weapons, as those methodologies and

technologies used by the Bureau to screen for those materials in other items of commerce entering the United States through commercial motor vehicle transport.

(d) **IMPACT ON COMMERCIAL MOTOR VEHICLES.**—The Secretary shall deny entry into the United States for any commercial motor vehicle carrying municipal solid waste until the Secretary certifies to Congress that the methodologies and technologies used by the Bureau to screen for and detect the presence of chemical, nuclear, biological, and radiological weapons in municipal solid waste are as effective as the methodologies and technologies used by the Bureau to screen for those materials in other items of commerce entering the United States through commercial motor vehicle transport if—

(1) the Commissioner fails to submit the report under subsection (c);

(2) the report under subsection (c) fails to identify methodologies and technologies that could be feasibly and reasonably implemented by the Bureau to achieve the level of effectiveness in the screening of municipal solid waste described in subsection (c); or

(3)(A) the report under subsection (c) sufficiently identifies methodologies and technologies that could be feasibly and reasonably implemented by the Bureau to achieve the level of effectiveness in the screening of municipal solid waste described in that subsection; but

(B) the Commissioner fails to fully implement the actions identified in the report before date that is 90 days after the date on which the report is submitted.

**SA 3744.** Mr. LEVIN (for himself and Ms. STABENOW) submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 159, line 19, insert after “expended” the following: “, of which \$400,000 shall be made available for emergency repairs of the Federal project at Petoskey Harbor, Michigan, in order to repair damages due to storms that occurred during the fall of 2005 and the winter of 2006, which breached the breakwater, endangering local marine facilities and reducing the effectiveness of the only safe harbor between Charlevoix, Michigan, and Mackinaw City, Michigan”.

**SA 3745.** Mr. LEVIN submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES ADMINISTRATION**

For an additional amount for the Substance Abuse and Mental Health Services Administration, \$350,000 to expand the Wayne County, Michigan drug court program to include the use of partial agonist therapy and opiate antagonist therapy in providing addiction treatment.

**SA 3746.** Mr. LIEBERMAN submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 167, beginning on line 7 strike “, notwithstanding” and all that follows through “(42 U.S.C. 5174)” on line 9.

**SA 3747.** Mr. REED submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 253, between lines 19 and 20, insert the following:

**SEC. 7032. EMERGENCY ASSISTANCE FOR UNANTICIPATED INCREASES IN UTILITY RATES.**

(a) **PUBLIC HOUSING AGENCIES.**—

(1) **IN GENERAL.**—To address unanticipated increases in utility rates, there are appropriated \$250,000,000, to public housing agencies for the operation and management of public housing, as authorized under section 9(e) of the United States Housing Act of 1937 (42 U.S.C. 1437g(e)).

(2) **DISTRIBUTION OF FUNDS.**—The Secretary of Housing and Urban Development shall reimburse a public housing agency for utility cost increases from funds made available under paragraph (1), upon submission of proof by the agency to the Secretary of such increases.

(b) **SECTION 8 TENANT-BASED RENTAL ASSISTANCE.**—

(1) **IN GENERAL.**—To address unanticipated increases in utility rates, there are appropriated \$243,000,000, to be available to residents receiving tenant-based rental assistance under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f).

(2) **DISTRIBUTION OF FUNDS.**—Public housing agencies administering tenant-based rental assistance under section 8 shall be entitled to additional funds made available under paragraph (1) to provide for utility allowance increases for section 8 participants upon submission of proof to the Secretary of such utility allowance cost increases.

(3) **PAYMENT STANDARD.**—The payment standard limitation under section 8(o)(1) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)(1)) may be exceeded without prior approval by the Secretary in instances where an increase in the utility allowance of a resident under paragraph (1) causes the assistance needs of that resident to rise above such limit.

(c) **EMERGENCY DESIGNATION.**—The amounts appropriated under subsections (a) and (b) are designated as an emergency requirement under section 402 of H. Con. Res. 95 (109th Congress).

**SA 3748.** Mr. SALAZAR (for himself, Mr. ALLARD, Mr. MCCONNELL, Mr. WYDEN, and Mr. BAYH) submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 253, between lines 19 and 20, insert the following:

**SENSE OF THE SENATE ON DESTRUCTION OF CHEMICAL WEAPONS**

**SEC. 7032.** (a) The Senate makes the following findings:

(1) The Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction, done at Paris on January 13, 1993 (commonly referred to as the “Chemical Weapons Convention”), requires all United States chemical weapons stockpiles be destroyed by April 29, 2012.

(2) On April 10, 2006, the Department of Defense notified Congress that the United States would not meet the deadline under the Chemical Weapons Convention for destruction of United States chemical weapons stockpiles.

(3) Destroying existing chemical weapons is a homeland security imperative, an arms control priority, and required by United States law.

(4) The elimination and nonproliferation of chemical weapons of mass destruction is of utmost importance to the national security of the United States.

(b) It is the sense of the Senate that—

(1) the United States is committed to making every effort to safely dispose of its chemical weapons stockpiles by the Chemical Weapons Convention deadline of April 29, 2012, or as soon thereafter as possible, and will carry out all of its other obligations under the Convention; and

(2) the Secretary of Defense should prepare a comprehensive schedule for safely destroying the United States chemical weapons stockpiles to prevent further delays in the destruction of such stockpiles, and the schedule should be submitted annually to the congressional defense committees separately or as part of another required report.

**SA 3749.** Ms. CANTWELL (for herself, Mr. BIDEN, and Mr. LEAHY) submitted an amendment intended to be proposed by her to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 117, between lines 9 and 10, insert the following:

**REPORTS ON WITHDRAWAL OR DIVERSION OF EQUIPMENT FROM RESERVE UNITS FOR SUPPORT OF RESERVE UNITS BEING MOBILIZED AND OTHER UNITS**

**SEC. 1312.** (a) **FINDINGS.**—Congress makes the following findings:

(1) The National Guard continues to provide invaluable resources to meet national security, homeland defense, and civil emergency mission requirements.

(2) Current military operations, transnational threats, and domestic emergencies will increase the use of the National Guard for both military support to civilian authorities and to execute the military strategy of the United States.

(3) To meet the demand for certain types of equipment for continuing United States military operations, the Army has required Army National Guard Units to leave behind many items for use by follow-on forces.

(4) The Governors of every State and 2 Territories expressed concern in February 2006 that units returning from deployment overseas without adequate equipment would have trouble carrying out their homeland security and domestic disaster duties.

(5) The Department of Defense estimates that it has directed the Army National Guard to leave overseas more than 75,000 items valued at approximately \$1,760,000,000 to support Operation Enduring Freedom and Operation Iraqi Freedom.

(6) Department of Defense Directive 1225.6 requires a replacement and tracking plan be developed within 90 days for equipment of the reserve components of the Armed Forces that is transferred to the active components of the Armed Forces.

(7) In October 2005, the Government Accountability Office found that the Department of Defense can only account for about 45 percent of such equipment and has not developed a plan to replace such equipment.

(8) The Government Accountability Office also found that without a completed and implemented plan to replace all National Guard equipment left overseas, Army National Guard units will likely face growing equipment shortages and challenges in regaining readiness for future missions.

(b) REPORTS ON WITHDRAWAL OR DIVERSION OF EQUIPMENT FROM RESERVE UNITS FOR SUPPORT OF RESERVE UNITS BEING MOBILIZED AND OTHER UNITS.—

(1) IN GENERAL.—Chapter 1007 of title 10, United States Code, is amended by inserting after section 10208 the following new section:

**“§10208a. Mobilization: reports on withdrawal or diversion of equipment from Reserve units for support of Reserve units being mobilized and other units**

**“(a) REPORT REQUIRED ON WITHDRAWAL OR DIVERSION OF EQUIPMENT.**—Not later than 90 days after withdrawing or diverting equipment from a unit of the Reserve to a unit of the Reserve being ordered to active duty under section 12301, 12302, or 12304 of this title, or to a unit or units of a regular component of the armed forces, for purposes of the discharge of the mission of such unit or units, the Secretary concerned shall submit to the Secretary of Defense a report on the withdrawal or diversion of equipment.

**“(b) ELEMENTS.**—Each report under subsection (a) on equipment withdrawn or diverted shall include the following:

**“(1)** A plan to replace such equipment within the unit from which withdrawn or diverted.

**“(2)** If such equipment is to remain in a theater of operations while the unit from which withdrawn or diverted returns to the United States, a plan to provide such unit with replacement equipment appropriate to ensure the continuation of the readiness training of such unit.

**“(3)** A signed memorandum of understanding between the active or reserve component to which withdrawn or diverted and the reserve component from which withdrawn or diverted that specifies—

**“(A)** how such equipment will be tracked by the unit or units to which withdrawn or diverted; and

**“(B)** when such equipment will be returned to the unit from which withdrawn or diverted.”

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 1007 of such title is amended by inserting after the item relating to section 10208 the following new item:

“10208a. Mobilization: reports on withdrawal or diversion of equipment from Reserve units for support of Reserve units being mobilized and other units.”

**SA 3750.** Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 159, strike lines 1 through 10 and insert the following:

\$7,250,000, to remain available until expended: *Provided*, That the Secretary of the Army, acting through the Chief of Engineers, shall use \$3,500,000 to develop a comprehensive plan, at full Federal expense, that, at a minimum, will deauthorize deep draft navigation on the Mississippi River Gulf Outlet established by Public Law 84-455 (70 Stat. 65, chapter 112) (referred to in this matter as the “Outlet”), extending from the Gulf of Mexico to the Gulf Intracoastal Waterway, and ad-

dress wetland losses attributable to the Outlet, channel bank erosion, hurricane and storm protection, saltwater intrusion, navigation, ecosystem restoration, and related issues: *Provided further*, That the plan shall include recommended authorization modifications to the Outlet regarding what, if any, navigation should continue, measures to provide hurricane and storm protection, prevent saltwater intrusion, and re-establish the storm buffering properties and ecological integrity of the wetland damaged by construction and operation of the Outlet, and complement restoration of coastal Louisiana: *Provided further*, That the Secretary shall develop the plan in consultation with the Parish of St. Bernard, Louisiana, the State of Louisiana, the Secretary of the Interior, the Secretary of Commerce, the Administrator of the Environmental Protection Agency, and the National Academy of Sciences: *Provided further*, That the Secretary shall seek input, review, and comment from the public and the scientific community on the plan: *Provided further*, That the Secretary shall ensure that an independent panel of experts established by the National Academy of Sciences reviews and provides written comments on the proposed plan: *Provided further*, That, not later than 1 year after the date of enactment of this Act, the Secretary shall submit an interim report to Congress comprising the plan, the written comments of the independent panel of experts, and the written explanation of the Secretary for any recommendation of the independent panel of experts not adopted in the plan: *Provided further*, That the Secretary shall refine the plan, if necessary, to be fully consistent, integrated, and included in the final technical report to be issued in December 2007 pursuant to the matter under the heading “INVESTIGATIONS” under the heading “CORPS OF ENGINEERS—CIVIL” of title I of the Energy and Water Development Appropriations Act, 2006 (Public Law 109-103, 119 Stat. 2247; Public Law 109-148, 119 Stat. 2814): *Provided further*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006: *Provided further*, That, of the amount made available under this heading, \$3,750,000 shall be available only to the extent that an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement, is transmitted by the President to Congress.

**SA 3751.** Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place under the heading “FLOOD CONTROL AND COASTAL EMERGENCIES”, insert the following:

CLOSURES AND REPAIRS OF LEVEES, LOUISIANA

For an additional amount for flood control and coastal emergencies for the State of Louisiana, \$473,000,000, to remain available until expended for use for closures and pump stations for interior drainage canals, navigable closures on the Industrial Canal and Gulf Intracoastal Waterway, repairs for non-Federal levees in Terrebonne Parish, incorporation of the West Bank and East Bank non-Federal levees in Plaquemines Parish, and additional levee armoring: *Provided*, That not less than \$4,000,000 of that amount shall be used for the Comite River Diversion

flood control project authorized by section 101(11) of the Water Resources Development Act of 1992 (Public Law 102-580; 106 Stat. 4802): *Provided further*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

**SA 3752.** Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 178, after line 21, add the following:

ECONOMIC DEVELOPMENT ADMINISTRATION

For an additional amount for the mitigation of increased costs resulting from the loss of deep draft navigation access to certain facilities at the Port of New Orleans in the aftermath of Hurricane Katrina, \$8,500,000, to remain available until September 30, 2007, to be provided by the Secretary of Commerce, acting through the Assistant Secretary for Economic Development, to the Port of New Orleans in the form of a grant: *Provided*, That the Secretary shall administer the grant under this section in accordance with section 209 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3149): *Provided further*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

**SA 3753.** Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 198, line 18, strike “Provided further, That” and all that follows through “assistance:” on page 199, line 1, and insert the following: “Provided further, That no less than \$100,000,000 shall be made available as project-based assistance used to support the reconstruction, rebuilding, and repair of assisted housing that suffered the consequences of Hurricane Katrina and other hurricanes of the 2005 season or new structures supported under the low income tax credit program: *Provided further*, That previously assisted HUD project-based housing and residents of such housing shall be accorded a preference in the use of such project-based assistance, except that such funds shall be made available for 4,500 project-based vouchers for supportive housing units for persons with disabilities, as that term is defined in section 422(2) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11382(2)), elderly families, or previously homeless individuals and families: *Provided further*, That the limitation contained in section 8(o)(13)(B) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)(13)(B)) shall not apply to such funds:”

**SA 3754.** Mr. DURBIN (for himself and Ms. STABENOW) submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for

the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. —. ADDITIONAL AMOUNTS FOR FIREFIGHTER ASSISTANCE GRANTS TO ADDRESS THE 9/11 COMMISSION'S FINDINGS.**

For an additional amount for "Firefighter Assistance Grants" under "Preparedness and Recovery" for the Department of Homeland Security, \$100,000,000 for Firefighter Assistance Grants in high-risk areas for communications connectivity compliant with the interoperable communication plan of the relevant city or State.

**SA 3755.** Mr. DODD submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 240, between lines 2 and 3, insert the following:

**TITLE VII  
ELECTION REFORM  
ELECTION ASSISTANCE COMMISSION  
ELECTION REFORM PROGRAMS**

For necessary expenses to carry out a program of requirements payments to States as authorized by section 257 of the Help America Vote Act of 2002, \$724,000,000, to remain available until expended: *Provided further*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

**DEPARTMENT OF HEALTH AND HUMAN SERVICES**

**DISABLED VOTER SERVICES**

For necessary expenses to carry out programs as authorized by the Help America Vote Act of 2002, \$74,000,000, to remain available until expended: *Provided further*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

**SA 3756.** Mr. BAYH submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 117, between lines 9 and 10, insert the following:

**INCOME REPLACEMENT PAYMENTS FOR RESERVES EXPERIENCING EXTENDED AND FREQUENT MOBILIZATION FOR ACTIVE DUTY SERVICE**

**SEC. 1312. (a) MODIFICATION OF ELIGIBILITY.**—Section 910(b)(1) of title 37, United States Code, is amended by striking "18 continuous months of service" and inserting "six continuous months of service".

**(b) FUNDING.**—

(1) **ADDITIONAL AMOUNT FOR MILITARY PERSONNEL.**—The aggregate amount appropriated by this chapter under the heading "MILITARY PERSONNEL" is hereby increased by \$27,000,000, with the entire amount of the increase designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

(2) **AVAILABILITY.**—Of the amounts appropriated by this chapter under the heading "MILITARY PERSONNEL", as increased by paragraph (1), \$27,000,000 shall be available in fiscal year 2006 for the payment of income replacement payments for Reserves experiencing extended and frequent mobilization for active duty service under section 910 of title 37, United States Code, as a result of the amendment made by subsection (a).

**SA 3757.** Mr. BAYH submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 117, between lines 9 and 10, insert the following:

**NEXT GENERATION PROTECTIVE GEAR FOR SMALL-ARMS AND BIOTERRORISM THREATS TO TROOPS**

**SEC. 1312. (a) ADDITIONAL AMOUNT FOR RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, DEFENSE-WIDE.**—The amount appropriated by this chapter under the heading "RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, DEFENSE-WIDE" is hereby increased by \$10,000,000, with the entire amount of the increase designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

(b) **AVAILABILITY OF AMOUNT.**—Of the amount appropriated by this chapter under the heading "RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, DEFENSE-WIDE", as increased by subsection (a), \$10,000,000 shall be available for grants to research institutions of higher education for research and development on next generation protective gear for small-arms threats and bioterrorism threats to troops.

**SA 3758.** Mr. SCHUMER (for himself and Mr. REID) submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. —. MEASURES TO ADDRESS PRICE GOUGING AND MARKET MANIPULATION.**

**(a) FEDERAL TRADE COMMISSION.**—

(1) **ADDITIONAL AMOUNT.**—For an additional amount for "FEDERAL TRADE COMMISSION SALARIES AND EXPENSES" under the heading "RELATED AGENCIES" of title V of the Science, State, Justice, Commerce, and Related Agencies Appropriations Act, 2006 (Public Law 109-108), \$10,000,000.

(2) **USE.**—Of the amount appropriated for "FEDERAL TRADE COMMISSION SALARIES AND EXPENSES", as increased by paragraph (1), \$10,000,000 shall be available to investigate and enforce price gouging complaints and other market manipulation activities by companies engaged in the wholesale and retail sales of gasoline and petroleum distillates.

**(b) COMMODITY FUTURES TRADING COMMISSION.**—

(1) **ADDITIONAL AMOUNT.**—For an additional amount for "COMMODITY FUTURES TRADING COMMISSION" under the heading "RELATED AGENCIES AND FOOD AND DRUG ADMINISTRATION" of title VI of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2006 (Public Law 109-97), \$10,000,000.

(2) **USE.**—Of the amount appropriated for "COMMODITY FUTURES TRADING COMMISSION", as increased by paragraph (1), \$10,000,000 shall be available for activities—

(A) to enhance investigation of energy derivatives markets;

(B) to ensure that speculation in those markets is appropriate and reasonable; and

(C) for data systems and reporting programs that can uncover real-time market manipulation activities.

**(c) SECURITIES AND EXCHANGE COMMISSION.**—

(1) **ADDITIONAL AMOUNT.**—For an additional amount for "SECURITIES AND EXCHANGE COMMISSION SALARIES AND EXPENSES" under the heading "RELATED AGENCIES" of title V of the Science, State, Justice, Commerce, and Related Agencies Appropriations Act, 2006 (Public Law 109-108), \$5,000,000.

(2) **USE.**—Of the amount appropriated for "SECURITIES AND EXCHANGE COMMISSION SALARIES AND EXPENSES", as increased by paragraph (1), \$5,000,000 shall be available for review and analysis of major integrated oil and gas company reports and filings for compliance with disclosure, corporate governance, and related requirements.

**(d) ENERGY INFORMATION ADMINISTRATION.**—

(1) **ADDITIONAL AMOUNT.**—For an additional amount for "ENERGY INFORMATION ADMINISTRATION" under the heading "DEPARTMENT OF ENERGY" of title III of the Energy and Water Development Appropriations Act, 2006 (Public Law 109-103), \$10,000,000.

(2) **USE.**—Of the amount appropriated for "ENERGY INFORMATION ADMINISTRATION", as increased by paragraph (1), \$10,000,000 shall be available for activities to ensure real-time and accurate gasoline and energy price and supply data collection.

**(e) ENERGY SUPPLY AND CONSERVATION.**—

(1) **ADDITIONAL AMOUNT.**—For an additional amount for "ENERGY SUPPLY AND CONSERVATION" under the heading "DEPARTMENT OF ENERGY" of title III of the Energy and Water Development Appropriations Act, 2006 (Public Law 109-103), \$315,000,000.

(2) **USE.**—Of the amount appropriated for "ENERGY SUPPLY AND CONSERVATION", as increased by paragraph (1), \$315,000,000 shall be available to provide grants to State energy offices for—

(A) the development and deployment of real-time information systems for energy price and supply data collection and publication;

(B) programs and systems to help discover energy price gouging and market manipulation;

(C) critical energy infrastructure protection;

(D) clean distributed energy projects that promote energy security; and

(E) programs to encourage the adoption and implementation of energy conservation and efficiency technologies and standards.

**(f) GOVERNMENT ACCOUNTABILITY OFFICE.**—

(1) **ADDITIONAL AMOUNT.**—For an additional amount for "SALARIES AND EXPENSES" under the heading "GOVERNMENT ACCOUNTABILITY OFFICE" of title I of the Legislative Branch Appropriations Act, 2006 (Public Law 109-55), \$50,000.

(2) **USE.**—Of the amount appropriated for "SALARIES AND EXPENSES", as increased by paragraph (1), \$50,000 shall be available to the Government Accountability for the preparation of a report, to be submitted to the appropriate committees of Congress not later than 90 days after the date of enactment of this Act, that includes—

(A) a review of the mergers between Exxon and Mobil, Chevron and Texaco, and Conoco and Phillips, and other mergers of significant or comparable scale in the oil industry

that have occurred since 1990, including an assessment of the impact of the mergers on—

(i) market concentration;

(ii) the ability of the companies to exercise market power;

(iii) wholesale prices of petroleum products; and

(iv) the retail prices of petroleum products;

(B) an assessment of the impact that vitiating the mergers reviewed under subparagraph (A) would have on each of the matters described in clauses (i) through (iv) of subparagraph (A);

(C) an assessment of the impact of prohibiting any 1 company from simultaneously owning assets in each of the oil industry sectors of exploration, refining and distribution, and retail on each of the matters described in clauses (i) through (iv) of subparagraph (A);

(D) an assessment of—

(i) the effectiveness of divestitures ordered by the Federal Trade Commission in preventing market concentration as a result of oil industry mergers approved since 1995; and

(ii) the effectiveness of the Federal Trade Commission in identifying and preventing—

(I) market manipulation;

(II) commodity withholding;

(III) collusion; and

(IV) other forms of market power abuse in the oil industry; and

(E) an assessment of—

(i) whether any of the 5 largest oil companies in the United States have taken any actions to exert influence on independent or franchise retail gasoline stations to discourage or prohibit the installation of storage tanks and pumps capable of storing and dispensing E85 gasoline; and

(ii) whether the actions described in clause (i) would be considered anticompetitive.

(g) **EMERGENCY DESIGNATION.**—The amounts provided under this section are designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

**SA 3759.** Mr. LEVIN (for himself, Ms. STABENOW, Mr. DEWINE, and Mr. VOINOVICH) submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 235, between lines 19 and 20, insert the following:

**SEC. 3065. EMERALD ASH BORER.**

The Secretary shall use \$15,000,000 of funds of the Commodity Credit Corporation to carry out activities for the eradication of the emerald ash borer in the States of Michigan, Ohio, and Indiana.

**SA 3760.** Mr. BIDEN (for himself, Mr. LUGAR, and Mr. LEAHY) submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 99, line 11, insert after the colon the following: “*Provided further*, That the Secretary shall submit, at the same time as the report required by the previous proviso, a report to the Committees on Appropriations, Armed Services, and Foreign Relations of the Senate and the Committees on Appropriations, Armed Services, and International Relations of the House of Representatives summarizing the quantity and

type of assistance provided to the security forces of Afghanistan during the previous fiscal quarter.”.

On page 101, line 8, insert after the colon the following: “*Provided further*, That the Secretary shall submit, at the same time as the report required by the previous proviso, a report to the Committees on Appropriations, Armed Services, and Foreign Relations of the Senate and the Committees on Appropriations, Armed Services, and International Relations of the House of Representatives summarizing the quantity and type of assistance provided to the security forces of Iraq during the previous fiscal quarter.”.

**SA 3761.** Mr. BAUCUS submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 253, between lines 19 and 20, insert the following:

**CONTRACT AUTHORITY**

**SEC. 70.** (a) Section 1940 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (Public Law 109-59; 119 Stat. 1511) is amended—

(1) in subsection (a)—

(A) by striking paragraph (1);

(B) by redesignating paragraphs (2) through (5) as paragraphs (1) through (4), respectively; and

(C) by striking “\$10,000,000” each place that it appears and inserting “\$12,500,000”; and

(2) by adding at the end the following:

“(c) **CONTRACT AUTHORITY.**—Except as otherwise provided in this section, funds authorized to be appropriated under this section shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code.”.

(b) Of the unobligated balances of funds apportioned to each State under chapter 1 of title 23, United States Code, \$50,000,000 is rescinded.

**SA 3762.** Mr. KERRY submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 126, between lines 12 and 13, insert the following:

**REPORT ON ALLEGED CLANDESTINE DETENTION FACILITIES FOR INDIVIDUALS CAPTURED IN THE GLOBAL WAR ON TERRORISM**

**SEC. 1406.** (a) **IN GENERAL.**—The President shall ensure that the United States Government continues to comply with the authorization, reporting, and notification requirements of title V of the National Security Act of 1947 (50 U.S.C. 413 et seq.).

(b) **DIRECTOR OF NATIONAL INTELLIGENCE REPORT.**—

(1) **REPORT REQUIRED.**—Utilizing funds appropriated by this Act and available for the intelligence and intelligence-related activities of the United States Government in an amount not to exceed \$100,000, the Director of National Intelligence shall, not later than 60 days after the date of the enactment of this Act, provide to the members of the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives a detailed report setting forth the nature and

cost of, and otherwise providing a full accounting on, any clandestine prison or detention facility currently or formerly operated by the United States Government, regardless of location, where detainees in the global war on terrorism are or were being held.

(2) **ELEMENTS.**—The report required by paragraph (1) shall set forth, for each prison or facility, if any, covered by such report, the following:

(A) The location and size of such prison or facility.

(B) If such prison or facility is no longer being operated by the United States Government, the disposition of such prison or facility.

(C) The number of detainees currently held or formerly held, as the case may be, at such prison or facility.

(D) Any plans for the ultimate disposition of any detainees currently held at such prison or facility.

(E) A description of the interrogation procedures used or formerly used on detainees at such prison or facility and a determination, in coordination with other appropriate officials, on whether such procedures are or were in compliance with United States obligations under the Geneva Conventions and the Convention Against Torture.

(3) **FORM OF REPORT.**—The report required by paragraph (1) shall be submitted in classified form.

**SA 3763.** Mr. KERRY submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 126, between lines 12 and 13, insert the following:

**REPORT ON ALLEGED CLANDESTINE DETENTION FACILITIES FOR INDIVIDUALS CAPTURED IN THE GLOBAL WAR ON TERRORISM**

**SEC. 1406.** (a) **IN GENERAL.**—The President shall ensure that the United States Government continues to comply with the authorization, reporting, and notification requirements of title V of the National Security Act of 1947 (50 U.S.C. 413 et seq.).

(b) **DIRECTOR OF NATIONAL INTELLIGENCE REPORT.**—

(1) **REPORT REQUIRED.**—Utilizing funds appropriated by this Act and available for the intelligence and intelligence-related activities of the United States Government in an amount not to exceed \$100,000, the Director of National Intelligence shall, not later than 60 days after the date of the enactment of this Act, provide to the members of the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives a detailed report setting forth the nature and cost of, and otherwise providing a full accounting on, any clandestine prison or detention facility currently or formerly operated by the United States Government, regardless of location, where detainees in the global war on terrorism are or were being held.

(2) **ELEMENTS.**—The report required by paragraph (1) shall set forth, for each prison or facility, if any, covered by such report, the following:

(A) The location and size of such prison or facility.

(B) If such prison or facility is no longer being operated by the United States Government, the disposition of such prison or facility.

(C) The number of detainees currently held or formerly held, as the case may be, at such prison or facility.

(D) Any plans for the ultimate disposition of any detainees currently held at such prison or facility.

(E) A description of the interrogation procedures used or formerly used on detainees at such prison or facility and a determination, in coordination with other appropriate officials, on whether such procedures are or were in compliance with United States obligations under the Geneva Conventions and the Convention Against Torture.

(3) FORM OF REPORT.—The report required by paragraph (1) shall be submitted in classified form.

**SA 3764.** Mr. KERRY (for himself and Mr. BIDEN) submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 88, line 7, insert “That from that amount, funds shall be made available for a summit, to be convened by the President not later than 30 days after the date of the formation of the new Government of Iraq, that includes leaders of such Government, leaders of the governments of each country bordering Iraq, representatives of the Arab League, the Secretary General of the North Atlantic Treaty Organisation, representatives of the European Union, and leaders of the governments of each permanent member of the United Nations Security Council for the purpose of reaching a comprehensive political agreement for Iraq that addresses security guarantees, federalism, oil revenues, militias, reconstruction efforts, and border security: *Provided further,*” after “*Provided*”.

**SA 3765.** Mr. KERRY submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 88, line 7, insert “That from that amount, funds shall be made available for a summit, to be convened by the President not later than 30 days after the date of the formation of the new Government of Iraq, that includes leaders of such Government, leaders of the governments of each country bordering Iraq, representatives of the Arab League, the Secretary General of the North Atlantic Treaty Organisation, representatives of the European Union, and leaders of the governments of each permanent member of the United Nations Security Council for the purpose of reaching a comprehensive political agreement for Iraq that addresses security guarantees, federalism, oil revenues, militias, reconstruction efforts, and border security: *Provided further,*” after “*Provided*”.

**SA 3766.** Mr. KERRY submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

#### WITHDRAWAL OF TROOPS FROM IRAQ

SEC. \_\_\_\_\_. (a) The President shall withdraw the United States Armed Forces from Iraq at the earliest practicable date if a national unity government is not formed in Iraq by May 22, 2006.

(b) If a national unity government is formed in Iraq by May 22, 2006—

(1) the President shall reach an agreement as soon as possible with such national unity government on a schedule for the withdrawal of United States combat troops from Iraq by December 31, 2006, leaving only forces that are critical to completing the mission of standing up Iraqi security forces; and

(2) the President shall consult with Congress regarding such schedule and shall present such withdrawal agreement to Congress immediately upon the completion of the agreement.

(c) The President should maintain an over-the-horizon troop presence to prosecute the war on terror and protect regional security interests.

**SA 3767.** Mr. KERRY submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

#### WITHDRAWAL OF TROOPS FROM IRAQ

SEC. \_\_\_\_\_. (a) The President shall withdraw the United States Armed Forces from Iraq at the earliest practicable date if a national unity government is not formed in Iraq by May 22, 2006.

(b) If a national unity government is formed in Iraq by May 22, 2006—

(1) the President shall reach an agreement as soon as possible with such national unity government on a schedule for the withdrawal of United States combat troops from Iraq by December 31, 2006, leaving only forces that are critical to completing the mission of standing up Iraqi security forces; and

(2) the President shall consult with Congress regarding such schedule and shall present such withdrawal agreement to Congress immediately upon the completion of the agreement.

(c) The President should maintain an over-the-horizon troop presence to prosecute the war on terror and protect regional security interests.

**SA 3768.** Mr. KENNEDY (for himself and Ms. MIKULSKI) submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VII, insert the following:

SEC. \_\_\_\_\_. In using funds appropriated under Public Law 109-149 for grants under title V of the Older Americans Act of 1965 (42 U.S.C. 3056 et seq.) for fiscal year 2006, the Secretary of Labor shall award the grants, beginning in July 2006, on the basis of the Program Year 2005 Planning Instructions and Allotments for All Applicants (and attachments to the instructions), as specified in the Training and Employment Guidance Letter No. 37-04, issued on June 30, 2005.

**SA 3769.** Mr. DOMENICI (for himself and Mr. REID) proposed an amendment to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 158, line 23, strike all through page 162, Line 12, and insert the following:

For an additional amount for “Investigations” for necessary expenses related to the consequences of Hurricane Katrina and other

hurricanes of the 2005 season, \$45,000,000, to remain available until expended: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006: Provided further, That using \$20,000,000 of the funds provided herein, the Secretary of the Army, acting through the Chief of Engineers, is directed, at full Federal expense, to inventory all Federal and non-Federal flood and storm damage reduction projects; develop and test a methodology to assess the structural and operational integrity of such projects and the associated risks; and establish and maintain a database of such projects, which shall include information on the structural and operational integrity of the projects and the parties responsible for operation and maintenance of the projects included therein: Provided further, That \$25,000,000 of the funds provided herein shall be used for Louisiana Coastal Area Restoration studies.

For an additional amount for “Investigations” for flood hazard analyses and technical studies related to the consequences of Hurricane Katrina and other disasters, \$2,500,000 to remain available until expended: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006: Provided further, That the Secretary of the Army acting through the Chief of Engineers is directed to use funds appropriated herein for disaster and other emergency needs, of which up to \$1,000,000 is for Flood Plain Management Services for flood Hazard and hydrologic investigations in flood prone areas of Hawaii; up to \$1,250,000 is for the Delta Islands and Levee study in California; and \$250,000 is for completion of the CALFED 180-day levee study: Provided further, That the amount shall be available for the studies identified above and only to the extent that an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement, is transmitted by the President to the Congress.

#### CONSTRUCTION

For an additional amount for “Construction” for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, \$595,300,000, to remain available until expended, of which up to \$100,000,000 may be used to reduce the risk of storm damage to the greater New Orleans metropolitan area, at full federal expense, by restoring the surrounding wetlands through measures to begin to reverse wetland losses in areas affected by navigation, oil and gas, and other channels and through modification of the Caernarvon Freshwater Diversion structure or its operations; at least \$495,300,000 shall be used consistent with the cost-sharing provisions under which the projects were originally constructed to raise levee heights where necessary and otherwise enhance the existing Lake Pontchartrain and Vicinity project and the existing West Bank and Vicinity project to provide the levels of protection necessary to achieve the certification required for participation in the National Flood Insurance Program under the base flood elevations current at the time of this construction: Provided, That any project using funds appropriated herein shall be initiated only after non-Federal interests have entered into binding agreements with the Secretary of the Army to pay 100 percent of the operation, maintenance, repair, replacement and rehabilitation costs of the project and to hold and save the United

States free from damages due to the construction or operation and maintenance of the project, except for damages due to the fault or negligence of the United States or its contractors: Provided further, That Congress designates this amount as an emergency requirement for these specific purposes: Provided further, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

For an additional amount for Construction for necessary expenses related to other disasters, \$39,000,000, to remain available until expended: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006: Provided further, That the Secretary of the Army acting through the Chief of Engineers is directed to use funds appropriated herein for disaster and other emergency needs, of which up to \$7,100,000 is for South Sacramento Streams, California; up to \$23,300,000 is for the Sacramento River Bank Protection, California; up to \$5,100,000 is for American River (Common Features), California; up to \$1,500,000 is for North Padre Island, Texas; and up to \$2,000,000 shall be provided at full Federal expense for the Hawaii water systems technical assistance program: Provided further, That the amount shall be available for the projects identified above and only to the extent that an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement, is transmitted by the President to the Congress.

#### OPERATIONS AND MAINTENANCE

For an additional amount for "Operations and Maintenance" to dredge navigation channels and repair other Corps projects related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, 3,200,000 to remain available until expended: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006: Provided further, That the Secretary of the Army acting through the Chief of Engineers is directed to use funds appropriated herein for dredging needs along the Texas gulf coast, of which up to \$2,000,000 is for Freeport Harbor, Texas; and up to \$1,200,000 is for Texas City, Texas: Provided further, That the amount shall be available only for the projects identified above and to the extent that an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement, is transmitted by the President to the Congress.

#### FLOOD CONTROL AND COASTAL EMERGENCIES

For an additional amount for "Flood Control and Coastal Emergencies," as authorized by section 5 of the Flood Control Act of August 18, 1941, as amended (33 U.S.C. 701n), for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, \$3,099,000,000, to remain available until expended: Provided, That the Secretary of the Army is directed to use the funds appropriated herein to modify, at full Federal expense, authorized projects in southeast Louisiana to provide hurricane and storm damage reduction and flood damage reduction in the greater New Orleans and surrounding areas; of the funds provided herein, \$530,000,000 shall be used to modify the 17th Street, Orleans Avenue and London Avenue drainage canals, and

install pumps and closure structures at or near the lakefront; \$250,000,000 shall be used for storm-proofing interior pump stations to ensure their operability during hurricanes, storms and high water events; \$170,000,000 shall be used for armoring critical elements of the New Orleans hurricane and storm damage reduction system; \$350,000,000 shall be used to improve protection at the Inner Harbor Navigation Canal; \$215,000,000 shall be used to replace or modify certain non-Federal levees in Plaquemines Parish to incorporate them into the existing New Orleans to Venice hurricane protection project; and \$1,584,000,000 shall be used for reinforcing or replacing floodwalls, where necessary, in the existing Lake Pontchartrain and Vicinity project and the existing West Bank and Vicinity project to improve the systems' performance: Provided further, That any project using funds appropriated herein shall be initiated only after non-Federal interests have entered into binding agreements with the Secretary to pay 100 percent of the operation, maintenance, repair, replacement, and rehabilitation costs of the project and to hold and save the United States free from damages due to the construction or operation and maintenance of the project, except for damages due to the fault or negligence of the United States or its contractors: Provided further, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

For an additional amount for "Flood Control and Coastal Emergencies," as authorized by section 5 of the Flood Control Act of August 18, 1941, as amended (33 U.S.C. 701n), for necessary expenses related to this and other disasters, \$17,500,000, to remain available until expended: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006: Provided further, That the Secretary of the Army acting through the Chief of Engineers is directed to use funds appropriated herein for restoration of funds for hurricane damaged projects in Pennsylvania: Provided further, That the amount shall be available for the projects identified above and only to the extent that an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement, is transmitted by the President to the Congress.

**SA 3770.** Mr. CRAIG submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 253, between lines 19 and 20, insert the following:

#### ACTIVITIES AND EXPORTS INVOLVING HYDROCARBON RESOURCES

SEC. 7 \_\_\_\_\_. (a) Congress finds that—

(1) the United States is the largest oil importer in the world;

(2) the Federal Government predicts that, by 2025, 68 percent of the oil used in the United States will be imported;

(3) ⅔ of the oil reserves of the world are located in the politically unstable Middle East and are controlled by members of the Organization of Petroleum Exporting Countries;

(4) global fuel consumption is projected to increase by 100 percent to 150 percent during the next 20 years, driven largely by the Chinese and Indian economies;

(5) that increased demand for fuel—

(A) will place the United States in ever-greater competition for oil and gas resources; and

(B) may result in an extension of Chinese involvement in developing Cuban oil and gas reserves to within a few miles of the coastline of the United States;

(6) the United States adheres to the principle that, in a case in which the exclusive economic zone of the United States is contiguous to the exclusive economic zone of another country, a point equidistant to the maritime baselines of the 2 countries demarcates the exclusive economic zone of each;

(7) an example of the application of the principle described in paragraph (6) is that the exclusive economic zone of Cuba extends to within—

(A) 52 miles of the Florida Keys at—

(i) south of 24 degrees north latitude; and

(ii) east of -81 degrees west longitude; and

(B) 85.4 miles of the Florida peninsula at—

(i) south of 24 degrees north latitude; and

(ii) east of -81 degrees west longitude;

(8) Cubapetroleo, the state oil company of Cuba, recently—

(A) signed an oil production sharing agreement with the China Petroleum and Chemical Corporation; and

(B) purchased 3 deep-water drilling rigs from that Chinese state enterprise for use in the exclusive economic zone of Cuba;

(9) the exclusive economic zone of Cuba in the Gulf of Mexico is a 112,000-square-kilometer area that has been divided into 59 exploration blocks, each of which is approximately 2,000 square kilometers and an average depth of 2,000 meters (except that some of those blocks have a depth of as great as 4,000 meters);

(10) the northernmost of the exploration blocks described in paragraph (9) are located off the southwest coast of the State of Florida;

(11) a United States Geological Survey report entitled "Assessment of Undiscovered Oil and Gas Resources of the North Cuba Basin 2004" estimated that between 1,000,000,000 and 9,300,000,000 barrels of undiscovered oil and between 1,900,000,000,000 and 22,000,000,000,000 cubic feet of undiscovered natural gas along the northern coast of Cuba;

(12) the national security strategy of the President recognizes the increasing resource needs of China by stating that China is "expanding trade, but acting as if they can somehow lock up energy supplies around the world or seek to direct markets rather than opening them up";

(13) the United States embargo on Cuba prohibits United States companies from engaging in the exploration or extraction of hydrocarbon resources from the exclusive economic zone of Cuba;

(14) United States oil and gas industries are the world's leaders in the efficient and environmentally-safe extraction of oil and gas resources from marine deposits; and

(15) it is in the energy, national security, and environmental interests of the United States that the oil and gas companies of the United States be permitted to operate in the foreign exclusive economic zones that is contiguous to the exclusive economic zone of the United States.

(b) The purpose of this section is to permit United States companies to participate in the exploration for and the extraction of hydrocarbon resources from any portion of a foreign maritime exclusive economic zone that is contiguous to the exclusive economic zone of the United States.

(c) Notwithstanding any other provision of law (including a regulation), United States

companies (including agents and affiliates of those companies) may—

(1) engage in any transaction necessary for the exploration for and extraction of hydrocarbon resources from any portion of any foreign exclusive economic zone that is contiguous to the exclusive economic zone of the United States; and

(2) export without license authority all equipment necessary for the exploration for or extraction of hydrocarbon resources described in paragraph (1).

(d) Section 910 of the Trade Sanctions Reform and Export Enhancement Act of 2000 (22 U.S.C. 7209) is amended by inserting after subsection (b) the following:

“(c) GENERAL LICENSE AUTHORITY FOR TRAVEL-RELATED EXPENDITURES BY PERSONS ENGAGING IN HYDROCARBON EXPLORATION AND EXTRACTION ACTIVITIES.—

“(1) IN GENERAL.—The Secretary of the Treasury shall, authorize under a general license the travel-related transactions listed in section 515.560(c) of title 31, Code of Federal Regulations, for travel to, from or within Cuba in connection with exploration for and the extraction of hydrocarbon resources in any part of a foreign maritime Exclusive Economic Zone that is contiguous to the United States’ Exclusive Economic Zone.

“(2) PERSONS AUTHORIZED.—Persons authorized to travel to Cuba under this section include full-time employees, executives, agents, and consultants of oil and gas producers, distributors, and shippers.”.

**SA 3771.** Mr. ENZI submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 247, line 11, insert “and the Committee on Health, Education, Labor, and Pensions of the Senate” after “propriations”.

On page 248, line 2, insert “and the Committee on Health, Education, Labor, and Pensions of the Senate” after “Appropriations”.

**SA 3772.** Mr. SANTORUM submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 253, between lines 19 and 20, insert the following:

DEMOCRACY PROGRAMS AND ACTIVITIES IN IRAN

SEC. 7032. (a) Congress makes the following findings:

(1) The people of the United States have long demonstrated an interest in the well-being of the people of Iran, dating back to the 1830s.

(2) Famous Americans such as Howard Baskerville, Dr. Samuel Martin, Jane E. Doolittle, and Louis G. Dreyfus, Jr., made significant contributions to Iranian society by furthering the educational opportunities of the people of Iran and improving the opportunities of the less fortunate citizens of Iran.

(3) Iran and the United States were allies following World War II, and through the late 1970s Iran was as an important regional ally of the United States and a key bulwark against Soviet influence.

(4) In November 1979, following the arrival of Mohammed Reza Shah Pahlavi in the United States, a mob of students and extremists seized the United States Embassy

in Tehran, Iran, holding United States diplomatic personnel hostage until January 1981.

(5) Following the seizure of the United States Embassy, Ayatollah Ruhollah Khomeini, leader of the repressive revolutionary movement in Iran, expressed support for the actions of the students in taking American citizens hostage.

(6) Despite the presidential election of May 1997, an election in which an estimated 91 percent of the electorate participated, control of the internal and external affairs of the Islamic Republic of Iran is still exercised by the courts in Iran and the Revolutionary Guards, Supreme Leader, and Council of Guardians of the Government of Iran.

(7) The election results of the May 1997 election and the high level of voter participation in that election demonstrate that the people of Iran favor economic and political reforms and greater interaction with the United States and the Western world in general.

(8) Efforts by the United States to improve relations with Iran have been rebuffed by the Government of Iran.

(9) The Clinton Administration eased sanctions against Iran and promoted people-to-people exchanges, but the Leader of the Islamic Revolution Ayatollah Ali Khamenei, the Militant Clerics’ Society, the Islamic Coalition Organization, and Supporters of the Party of God have all opposed efforts to open Iranian society to Western influences and have opposed efforts to change the dynamic of relations between the United States and Iran.

(10) For the past two decades, the Department of State has found Iran to be the leading sponsor of international terrorism in the world.

(11) In 1983, the Iran-sponsored Hezbollah terrorist organization conducted suicide terrorist operations against United States military and civilian personnel in Beirut, Lebanon, resulting in the deaths of hundreds of Americans.

(12) The United States intelligence community and law enforcement personnel have linked Iran to attacks against American military personnel at Khobar Towers in Saudi Arabia in 1996 and to al Qaeda attacks against civilians in Saudi Arabia in 2004.

(13) According to the Department of State’s Patterns of Global Terrorism 2001 report, “Iran’s Islamic Revolutionary Guard Corps and Ministry of Intelligence and Security continued to be involved in the planning and support of terrorist acts and supported a variety of groups that use terrorism to pursue their goals,” and “Iran continued to provide Lebanese Hizballah and the Palestinian rejectionist groups—notably HAMAS, the Palestinian Islamic Jihad, and the [Popular Front for the Liberation of Palestine-General Command]—with varying amounts of funding, safehaven, training and weapons”.

(14) Iran currently operates more than 10 radio and television stations broadcasting in Iraq that incite violent actions against United States and coalition personnel in Iraq.

(15) The current leaders of Iran, Ayatollah Ali Khamenei and Hashemi Rafsanjani, have repeatedly called upon Muslims to kill Americans in Iraq and install a theocratic regime in Iraq.

(16) The Government of Iran has admitted pursuing a clandestine nuclear program, which the United States intelligence community believes may include a nuclear weapons program.

(17) The Government of Iran has failed to meet repeated pledges to arrest and extradite foreign terrorists in Iran.

(18) The United States Government believes that the Government of Iran supports terrorists and extremist religious leaders in

Iraq with the clear intention of subverting coalition efforts to bring peace and democracy to Iraq.

(19) The Ministry of Defense of Iran confirmed in July 2003 that it had successfully conducted the final test of the Shahab-3 missile, giving Iran an operational intermediate-range ballistic missile capable of striking both Israel and United States troops throughout the Middle East and Afghanistan.

(b) Congress declares that it should be the policy of the United States—

(1) to support efforts by the people of Iran to exercise self-determination over the form of government of their country; and

(2) to actively support a national referendum in Iran with oversight by international observers and monitors to certify the integrity and fairness of the referendum.

(c)(1) The President is authorized, notwithstanding any other provision of law, to provide financial and political assistance (including the award of grants) to foreign and domestic individuals, organizations, and entities that support democracy and the promotion of democracy in Iran. Such assistance includes funding for—

(A) the Broadcasting Board of Governors for efforts to cultivate and support independent broadcasters that broadcast into Iran;

(B) cultural and student exchanges;

(C) the promotion of human rights and civil society activities in Iran; and

(D) assistance to student organizations, labor unions, and trade associations in Iran.

(2) It is the sense of Congress that financial and political assistance under this section be provided to an individual, organization, or entity that—

(A) opposes the use of terrorism;

(B) advocates the adherence by Iran to nonproliferation regimes for nuclear, chemical, and biological weapons and materiel;

(C) is dedicated to democratic values and supports the adoption of a democratic form of government in Iran;

(D) is dedicated to respect for human rights, including the fundamental equality of women;

(E) works to establish equality of opportunity for people; and

(F) supports freedom of the press, freedom of speech, freedom of association, and freedom of religion.

(3) The President may provide assistance under this subsection using amounts made available pursuant to the authorization of appropriations under paragraph (7).

(4) Not later than 15 days before each obligation of assistance under this subsection, and in accordance with the procedures under section 634A of the Foreign Assistance Act of 1961 (22 U.S.C. 2394-1), the President shall notify the Committee on Foreign Relations and the Committee on Appropriations of the Senate and the Committee on International Relations and the Committee on Appropriations of the House of Representatives.

(5) It is the sense of Congress that in order to ensure maximum coordination among Federal agencies, if the President provides the assistance under this section, the President should appoint an individual who shall—

(A) serve as special assistant to the President on matters relating to Iran; and

(B) coordinate among the appropriate directors of the National Security Council on issues regarding such matters.

(6) It is the sense of Congress that—

(A) support for a transition to democracy in Iran should be expressed by United States representatives and officials in all appropriate international fora;

(B) representatives of the Government of Iran should be denied access to all United States Government buildings;

(C) efforts to bring a halt to the nuclear weapons program of Iran, including steps to end the supply of nuclear components or fuel to Iran, should be intensified, with particular attention focused on the cooperation regarding such program—

(i) between the Government of Iran and the Government of the Russian Federation; and

(ii) between the Government of Iran and individuals from China, Malaysia, and Pakistan, including the network of Dr. Abdul Qadeer (A. Q.) Khan; and

(D) officials and representatives of the United States should—

(i) strongly and unequivocally support indigenous efforts in Iran calling for free, transparent, and democratic elections; and

(ii) draw international attention to violations by the Government of Iran of human rights, freedom of religion, freedom of assembly, and freedom of the press.

(7) There is authorized to be appropriated to the Department of State \$100,000,000 to carry out activities under this subsection.

(d) Not later than 15 days before designating a democratic opposition organization as eligible to receive assistance under subsection (b), the President shall notify the Committee on Foreign Relations and the Committee on Appropriations of the Senate and the Committee on International Relations and the Committee on Appropriations of the House of Representatives of the proposed designation. The notification may be in classified form.

(e)(1) Of the amount appropriated by chapter 2 of title I under the heading “DEPARTMENT OF STATE AND RELATED AGENCY”, excluding funds appropriated for Educational and Cultural Exchange Programs and Public Diplomacy Programs, \$42,750,000 shall be available for the Broadcasting Board of Governors for democracy programs and activities in Iran.

(2) Of the amount appropriated by chapter 4 of title I, \$47,250,000 shall be made available for the Democracy Fund for democracy programs and activities in Iran.

**SA 3773.** Mr. THUNE submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 253, between lines 19 and 20, insert the following:

#### **TITLE VIII—GAS PRICE REDUCTION**

##### **SEC. 8000. SHORT TITLE.**

This title may be cited as the “Gas Price Reduction Act of 2006”.

##### **Subtitle A—Temporary Reduction in Highway Fuel Tax Rate**

##### **SEC. 8101. REDUCTION IN HIGHWAY FUEL TAX AND MAINTENANCE OF HIGHWAY TRUST FUND.**

(a) IN GENERAL.—Section 4081 of the Internal Revenue Code of 1986 (relating to imposition of tax on gasoline, diesel fuel, and kerosene) is amended by adding at the end the following new subsection:

“(f) TEMPORARY REDUCTION IN TAXES ON GASOLINE, DIESEL FUEL, AND KEROSENE.—

“(1) IN GENERAL.—During the applicable period, each rate of tax referred to in paragraph (2) shall be reduced to zero cents per gallon.

“(2) RATES OF TAX.—The rates of tax referred to in this paragraph are the rates of tax otherwise applicable under—

“(A) clause (i) and (iii) of subsection (a)(2)(A) (relating to gasoline, diesel fuel, and kerosene), determined without regard to subparagraph (B) or (C) of subsection (a)(2), and

“(B) paragraph (1) of section 4041(a) (relating to diesel fuel) with respect to fuel sold for use or used in a diesel-powered highway vehicle.

“(3) APPLICABLE PERIOD.—For purposes of this subsection, the term ‘applicable period’ means the period beginning after the date of the enactment of the Gas Price Reduction Act of 2006, and ending before October 1, 2006.

“(4) MAINTENANCE OF TRUST FUND DEPOSITS.—In determining the amounts to be appropriated to the Highway Trust Fund under section 9503, an amount equal to the reduction in revenues to the Treasury by reason of this subsection shall be treated as taxes received in the Treasury under this section.”.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on the date of the enactment of this Act.

##### **SEC. 8102. FLOOR STOCK REFUNDS.**

(a) IN GENERAL.—If—

(1) before a tax reduction date, a tax referred to in section 4081(f)(2) of the Internal Revenue Code of 1986 has been imposed on any liquid, and

(2) on such date such liquid is held by a dealer and has not been used and is intended for sale, there shall be credited (without interest) to the person who paid such tax (hereafter in this section referred to as the “taxpayer”), against the taxpayer’s subsequent semi-monthly deposit of such tax, an amount equal to the excess of the tax paid by the taxpayer over the amount of such tax which would be imposed on such liquid had the taxable event occurred on the tax reduction date.

(b) CERTIFICATION NECESSARY TO FILE CLAIM FOR CREDIT.—

(1) IN GENERAL.—In any case where liquid is held by a dealer (other than the taxpayer) on the tax reduction date, no credit amount with respect to such liquid shall be allowed to the taxpayer under subsection (a) unless the taxpayer files with the Secretary—

(A) a certification that the taxpayer has given a credit to such dealer with respect to such liquid against the dealer’s first purchase of liquid from the taxpayer subsequent to the tax reduction date, and

(B) a certification by such dealer that such dealer has given a credit to a succeeding dealer (if any) with respect to such liquid against the succeeding dealer’s first purchase of liquid from such dealer subsequent to the tax reduction date.

(2) REASONABLENESS OF CLAIMS CERTIFIED.—Any certification made under paragraph (1) shall include an additional certification that the claim for credit was reasonable based on the taxpayer’s or dealer’s past business relationship with the succeeding dealer.

(c) EXCEPTION FOR FUEL HELD IN RETAIL STOCKS.—No credit or refund shall be allowed under this section with respect to any liquid in retail stocks held at the place where intended to be sold at retail.

(d) DEFINITIONS.—For purposes of this section—

(1) the terms “dealer” and “held by a dealer” have the respective meanings given to such terms by section 6412 of such Code; except that the term “dealer” includes a producer, and

(2) the term “tax reduction date” means the day after the date of the enactment of this Act.

(e) CERTAIN RULES TO APPLY.—Rules similar to the rules of subsections (b) and (c) of section 6412 of such Code shall apply for purposes of this section.

##### **SEC. 8103. FLOOR STOCKS TAX.**

(a) IMPOSITION OF TAX.—In the case of any liquid on which tax would have been imposed under section 4081 of the Internal Revenue Code of 1986 during the applicable period but for the amendments made by this title, and

which is held on the floor stocks tax date by any person, there is hereby imposed a floor stocks tax in an amount equal to the tax which would be imposed on such liquid had the taxable event occurred on the floor stocks tax date.

(b) LIABILITY FOR TAX AND METHOD OF PAYMENT.—

(1) LIABILITY FOR TAX.—A person holding a liquid on the floor stocks tax date to which the tax imposed by subsection (a) applies shall be liable for such tax.

(2) METHOD OF PAYMENT.—The tax imposed by subsection (a) shall be paid in such manner as the Secretary shall prescribe.

(3) TIME FOR PAYMENT.—The tax imposed by subsection (a) shall be paid on or before the date which is 6 months after the floor stocks tax date.

(c) DEFINITIONS.—For purposes of this section—

(1) HELD BY A PERSON.—A liquid shall be considered as “held by a person” if title thereto has passed to such person (whether or not delivery to the person has been made).

(2) GASOLINE, DIESEL FUEL, AND AVIATION FUEL.—The terms “gasoline” and “diesel fuel” have the respective meanings given such terms by sections 4083 of such Code.

(3) FLOOR STOCKS TAX DATE.—The term “floor stocks tax date” means October 1, 2006.

(4) APPLICABLE PERIOD.—The term “applicable period” has the meaning given such term by section 4081(f)(3) of such Code.

(5) SECRETARY.—The term “Secretary” means the Secretary of the Treasury or the Secretary’s delegate.

(d) EXCEPTION FOR EXEMPT USES.—The tax imposed by subsection (a) shall not apply to gasoline, diesel fuel, kerosene, or aviation fuel held by any person exclusively for any use to the extent a credit or refund of the tax imposed by section 4081 of such Code is allowable for such use.

(e) EXCEPTION FOR FUEL HELD IN VEHICLE TANK.—No tax shall be imposed by subsection (a) on gasoline, diesel fuel, or kerosene held in the tank of a motor vehicle.

(f) EXCEPTION FOR CERTAIN AMOUNTS OF FUEL.—

(1) IN GENERAL.—No tax shall be imposed by subsection (a)—

(A) on gasoline held on the floor stocks tax date by any person if the aggregate amount of gasoline held by such person on such date does not exceed 4,000 gallons, and

(B) on diesel fuel or kerosene held on such date by any person if the aggregate amount of diesel fuel or kerosene held by such person on such date does not exceed 2,000 gallons.

The preceding sentence shall apply only if such person submits to the Secretary (at the time and in the manner required by the Secretary) such information as the Secretary shall require for purposes of this subsection.

(2) EXEMPT FUEL.—For purposes of paragraph (1), there shall not be taken into account fuel held by any person which is exempt from the tax imposed by subsection (a) by reason of subsection (d) or (e).

(3) CONTROLLED GROUPS.—For purposes of this subsection—

(A) CORPORATIONS.—

(i) IN GENERAL.—All persons treated as a controlled group shall be treated as 1 person.

(ii) CONTROLLED GROUP.—The term “controlled group” has the meaning given to such term by subsection (a) of section 1563 of such Code; except that for such purposes the phrase “more than 50 percent” shall be substituted for the phrase “at least 80 percent” each place it appears in such subsection.

(B) NONINCORPORATED PERSONS UNDER COMMON CONTROL.—Under regulations prescribed by the Secretary, principles similar to the principles of this subparagraph shall apply to

a group of persons under common control where 1 or more of such persons is not a corporation.

(g) **OTHER LAW APPLICABLE.**—All provisions of law, including penalties, applicable with respect to the taxes imposed by section 4081 of such Code shall, insofar as applicable and not inconsistent with the provisions of this section, apply with respect to the floor stock taxes imposed by subsection (a) to the same extent as if such taxes were imposed by such section 4081.

**SEC. 8104. BENEFITS OF TAX REDUCTION SHOULD BE PASSED ON TO CONSUMERS.**

(a) **PASSTHROUGH TO CONSUMERS.**—

(1) **SENSE OF CONGRESS.**—It is the sense of Congress that—

(A) consumers immediately receive the benefit of the reduction in taxes under this title, and

(B) transportation motor fuels producers and other dealers take such actions as necessary to reduce transportation motor fuels prices to reflect such reduction, including immediate credits to customer accounts representing tax refunds allowed as credits against excise tax deposit payments under the floor stocks refund provisions of this title.

(2) **STUDY.**—

(A) **IN GENERAL.**—The Comptroller General of the United States and the Attorney General of the United States shall conduct a study of the reduction of taxes under this title to determine whether there has been a passthrough of such reduction.

(B) **REPORT.**—Not later than June 30, 2006, the Comptroller General of the United States and the Attorney General of the United States shall report to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives the results of the study conducted under subparagraph (A).

**Subtitle B—Suspension of Royalty Relief and Certain Incentives**

**SEC. 8201. SUSPENSION OF ROYALTY RELIEF.**

(a) **NEW LEASES.**—

(1) **REQUIREMENT.**—The Secretary of the Interior (referred to in this title as the “Secretary”) shall suspend the application of any provision of Federal law under which a person would otherwise be provided relief from a requirement to pay a royalty for the production of oil or natural gas from Federal land (including submerged land) occurring on or after the date of enactment of this Act during a period in which—

(A) for the production of oil, the average price of crude oil in the United States during the 4-week period immediately preceding the suspension is greater than \$35.86 per barrel; and

(B) for the production of natural gas, the average wellhead price of natural gas in the United States during the 4-week period immediately preceding the suspension is greater than \$4.48 per 1,000 cubic feet.

(2) **DETERMINATION OF AVERAGE PRICES.**—For purposes of paragraph (1), the Secretary shall determine average prices, taking into consideration the most recent data reported by the Energy Information Administration.

(b) **RENEGOTIATION OF EXISTING LEASES.**—

(1) **REQUIREMENT.**—The Secretary shall, to the maximum extent practicable, renegotiate each lease authorizing production of oil or natural gas on Federal land (including submerged land) issued by the Secretary before the date of the enactment of this Act as the Secretary determines to be necessary to modify the terms of the lease to ensure that a suspension of a requirement to pay royalties under the lease does not apply to production described in subsection (a)(1).

(2) **FAILURE TO RENEGOTIATE AND MODIFY.**—

(A) **IN GENERAL.**—Beginning on the date that is 1 year after the date of enactment of this Act, a lessee that does not renegotiate a lease described in paragraph (1) in accordance with that paragraph shall not be eligible to enter into a new lease authorizing production of oil or natural gas on Federal land (including submerged land).

(B) **TRANSFERS.**—A lessee shall not be eligible to obtain by sale or other transfer any lease described in paragraph (1) issued before the date of enactment of this Act, unless the lessee—

(i) renegotiates the lease; and

(ii) enters into an agreement with the Secretary to modify the terms of the lease in accordance with paragraph (1).

**SEC. 8202. REPEAL OF ULTRA-DEEPWATER AND UNCONVENTIONAL ONSHORE NATURAL GAS AND OTHER PETROLEUM RESEARCH AND DEVELOPMENT PROGRAM.**

(a) **IN GENERAL.**—Subtitle J of title IX of the Energy Policy Act of 2005 is repealed.

(b) **EFFECTIVE DATE.**—The repeal under subsection (a) shall take effect on the date of the enactment of this Act.

**Subtitle C—Suspension of Certain Energy Production Tax Incentives**

**SEC. 8301. SUSPENSION OF DEDUCTION FOR INTANGIBLE DRILLING AND DEVELOPMENT COSTS.**

Section 263(c) of the Internal Revenue Code of 1986 is amended by adding at the end the following new sentence: “This section shall not apply with respect to any costs paid or incurred by a taxpayer which is an integrated oil company (as defined in section 291(b)(4)) which has an average daily worldwide production of crude oil of at least 500,000 barrels for the taxable year or a related person to such company during the period beginning on the date of the enactment of this sentence and ending on the date on which aggregate revenues resulting from the provisions of, and amendments made by, sections 8201 through 8304 of the Gas Price Reduction Act of 2006 are estimated by the Secretary to equal the aggregate appropriations made to the Highway Trust Fund by reason of section 9503(f)(4).”

**SEC. 8302. SUSPENSION OF CREDIT FOR PRODUCING FUEL FROM A NONCONVENTIONAL SOURCE.**

Section 45K of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection:

“(h) **NONAPPLICATION OF SECTION.**—This section shall not apply with respect to any fuel described in subsection (c)(1)(A) or subsection (c)(1)(B)(i) sold by a taxpayer which is an integrated oil company (as defined in section 291(b)(4)) which has an average daily worldwide production of crude oil of at least 500,000 barrels for the taxable year or a related person to such company during the period beginning on the date of the enactment of this subsection and ending on the date on which aggregate revenues resulting from the provisions of, and amendments made by, sections 8201 through 8304 of the Gas Price Reduction Act of 2006 are estimated by the Secretary to equal the aggregate appropriations made to the Highway Trust Fund by reason of section 9503(f)(4).”

**SEC. 8303. SUSPENSION OF AMORTIZATION OF GEOLOGICAL AND GEOPHYSICAL EXPENDITURES.**

Section 167(h) of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

“(5) **NONAPPLICATION OF SUBSECTION.**—This subsection shall not apply with respect to any expenses paid or incurred by a taxpayer which is an integrated oil company (as defined in section 291(b)(4)) which has an average daily worldwide production of crude oil of at least 500,000 barrels for the taxable year

or a related person to such company during the period beginning on the date of the enactment of this subsection and ending on the date on which aggregate revenues resulting from the provisions of, and amendments made by, sections 8201 through 8304 of the Gas Price Reduction Act of 2006 are estimated by the Secretary to equal the aggregate appropriations made to the Highway Trust Fund by reason of section 9503(f)(4).”

**SEC. 8304. SUSPENSION OF PERCENTAGE DEPLETION ALLOWANCE FOR OIL AND GAS PROPERTIES.**

Section 613A is amended by adding at the end the following new subsection:

“(f) **TERMINATION.**—The allowance for percentage depletion shall be zero with respect to a taxpayer which is an integrated oil company (as defined in section 291(b)(4)) which has an average daily worldwide production of crude oil of at least 500,000 barrels for the taxable year or a related person to such company during the period beginning on the date of the enactment of this subsection and ending on the date on which aggregate revenues resulting from the provisions of, and amendments made by, sections 8201 through 8304 of the Gas Price Reduction Act of 2006 are estimated by the Secretary to equal the aggregate appropriations made to the Highway Trust Fund by reason of section 9503(f)(4).”

**SA 3774.** Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 190, beginning on line 7, strike “Provided,” and all that follows through “Provided further,” on line 11, and insert the following: “Provided, That of that amount, \$12,000,000 may be available for environmental cleanup and removal of debris from Department of Veterans Affairs land in Gulfport, Mississippi: *Provided further*, That of that amount, \$50,000,000 shall be available for any purpose for which funds in the ‘Construction, Major Projects’ account are available under law:”

**SA 3775.** Mr. HARKIN (for himself, Mr. JOHNSON, and Mr. KERRY) submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_ CIVIL ACTIONS FOR CERTAIN FALSE CLAIMS.**

(a) **IN GENERAL.**—Section 3730(b)(3) of title 31, United States Code, is amended—

(1) in this first sentence, by striking “The Government” and inserting “(A) Except as provided under subparagraph (B), the Government”; and

(2) by adding at the end the following:

“(B)(i) In this subparagraph, the term ‘covered civil action’ means any civil action brought under section 3729 regarding expenditures of Federal funds relating to Iraq, Afghanistan, or the global war on terrorism.

“(ii) In any covered civil action, the total of all extensions under subparagraph (A) may not exceed 365 days, except that the Government may move the court for an additional extension upon a showing of extraordinary circumstances that disclosure of particular information in the complaint, material evidence, or other information would be

detrimental to the public interest. If the Government makes such a showing, the court shall seal any of the evidence or information sufficient to prevent damage to the public interest and the civil action shall proceed.”.

(b) EFFECTIVE DATE AND APPLICATION.—

(1) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of enactment of this Act and apply to any covered civil action (as defined under section 3730(b)(3)(B)(i) of title 31, United States Code, as added by subsection (a) of this section) filed on or after that date.

(2) APPLICATION TO CERTAIN PRIOR CIVIL ACTIONS.—

(A) LIMITATION OF EXTENSIONS.—Except as provided under subparagraph (B), in any such covered civil action—

(i) filed 240 days or more before the date of enactment of this Act, no extension granted under section 3730(b)(3)(A) of that title may be in effect following the date occurring 120 days after such date of enactment; and

(ii) filed during the 239-day period preceding such date of enactment, no extension granted under section 3730(b)(3)(A) of that title may be in effect following the date occurring 365 days after the date of such filing.

(B) EXCEPTIONS.—The limitations under subparagraph (A) shall apply except for a showing by the Government of extraordinary circumstances that disclosure of particular information in the complaint, material evidence, or other information would be detrimental to the public interest. If the Government makes such a showing, the court shall seal any of the evidence or information sufficient to prevent damage to the public interest and the civil action shall proceed.

**SA 3776.** Mr. KOHL submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 207, lines 5 and 6, strike “paragraph (2)” and insert “paragraphs (2) and (3)”.

On page 207, between lines 15 and 16, insert the following:

(2) NONINSURED PRODUCERS.—Except as provided in paragraph (3), for producers on a farm that were eligible to acquire crop insurance for the applicable production loss and failed to do so or failed to submit an application for the noninsured assistance program for the loss, the Secretary shall make assistance in accordance with paragraph (1), except that the payment rate shall be 35 percent of the established price, instead of 50 percent.

On page 207, line 16, strike “(2)” and insert “(3)”.

Beginning on page 211, strike line 10 and all that follows through page 213, line 14.

On page 213, line 15, strike “(f)” and insert “(e)”.

Beginning on page 228, strike line 4 and all that follows through page 230, line 18 and insert the following:

**SEC. 3021. REPLENISHMENT OF SECTION 32.**

(a) DEFINITION OF SPECIALTY CROP.—In this section:

(1) IN GENERAL.—The term “specialty crop” means any agricultural crop.

(2) EXCEPTION.—The term “specialty crop” does not include—

- (A) wheat;
- (B) feed grains;
- (C) oilseeds;
- (D) cotton;
- (E) rice;
- (F) peanuts; or

(G) dairy.

(b) BASE STATE GRANTS.—

(1) IN GENERAL.—The Secretary shall use \$25,500,000 of funds of the Commodity Credit Corporation to make grants to the several States, the District of Columbia, and the Commonwealth of Puerto Rico to be used to support activities that promote agriculture.

(2) AMOUNTS.—The amount of the grants shall be—

(A) \$500,000 to each of the several States; and

(B) \$250,000 to each of the Commonwealth of Puerto Rico and the District of Columbia.

(c) GRANTS FOR VALUE OF PRODUCTION.—The Secretary shall use \$59,500,000 of funds of the Commodity Credit Corporation to make a grant to each of the several States in an amount equal to the product obtained by multiplying—

(1) the share of the State of the total value of specialty crop and livestock production of the United States for the 2004 crop year, as determined by the Secretary; by

(2) \$49,500,000.

(d) SPECIAL CROP AND LIVESTOCK PRIORITY.—As a condition on the receipt of a grant under this section, a State shall agree to give priority to the support of specialty crops and livestock in the use of the grant funds.

(e) USE OF FUNDS.—A State may use funds from a grant awarded under this section—

(1) to supplement State food bank programs or other nutrition assistance programs;

(2) to promote the purchase, sale, or consumption of agricultural products;

(3) to provide economic assistance to agricultural producers, giving a priority to the support of specialty crops and livestock; or

(4) for other purposes, as determined by the Secretary.

**SEC. 3022. SUPPLEMENTAL ECONOMIC LOSS PAYMENTS.**

(a) IN GENERAL.—Subject to subsection (b), the Secretary shall make a supplemental economic loss payment to—

(1) any producer on a farm that received a direct payment for crop year 2005 under title I of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7901 et seq.); or

(2) any dairy producer that was eligible to receive a payment during the 2005 calendar year under section 1502 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7982).

(b) AMOUNT.—

(1) COVERED COMMODITIES.—Subject to paragraph (3), the amount of a payment made to a producer on a farm under subsection (a)(1) shall be equal to the product obtained by multiplying—

(A) 30 percent of the direct payment rate in effect for the program crop of the farmer;

(B) 85 percent of the program crop base of the farmer; and

(C) the program payment yield for each program crop of the farmer.

(2) DAIRY PAYMENTS.—

(A) DISTRIBUTION.—Payments under subsection (a)(2) shall be distributed in a manner that is consistent with section 1502 of the Farm and Rural Investment Act of 2002 (7 U.S.C. 7982).

(B) MAXIMUM AMOUNT.—Subject to paragraph (3), the total amount available for payments under subsection (a)(2) shall not exceed \$175,000,000.

(3) OVERALL LIMITATION.—The Secretary shall ensure that no person receives payments under subsection (a) in excess of the per person limitations applicable to producers that receive payments under subsection (a)(1).

On page 233, strike lines 3 through line 11.

On page 233 line 12, strike “3043” and insert “3042”.

**SA 3777.** Mr. MENENDEZ (for himself, Mr. LEAHY, Mr. DURBIN, Mr. SARBANES, Mr. LAUTENBERG, Mr. DODD, and Mr. OBAMA) submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 89, line 9, strike “\$69,800,000, to remain available until September 30, 2007: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.”.

and insert in lieu thereof “\$129,800,000, to remain available until September 30, 2007: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.”.

**SA 3778.** Mrs. BOXER submitted an amendment intended to be proposed by her to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

TAX CREDIT FOR VEHICLES WITH HIGH FUEL ECONOMY

SEC. \_\_\_\_\_. For purposes of the Internal Revenue Code of 1986, there shall be allowed as credit against the tax imposed during the taxable year in which the vehicle is placed in service an amount of \$1000 for purchase of a vehicle that obtains a minimum fuel economy of 45 miles per gallon.

**SA 3779.** Mrs. BOXER submitted an amendment intended to be proposed by her to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 253, between lines 19 and 20, insert the following:

INVESTIGATION OF GASOLINE PRICES

SEC. 7032. (a) IN GENERAL.—If, based on weekly data published by the Energy Information Administration of the Department of Energy, the average price of regular grade gasoline in a State increases 20 percent or more for at least 7 days during any 3-month period, the Federal Trade Commission shall initiate an investigation into the retail price of gasoline in that State to determine if the price of gasoline is being artificially manipulated by reducing refinery capacity or by any other form of manipulation.

(b) REPORT.—Not later than 14 days after the initiation of the investigation described in subsection (a), the Federal Trade Commission shall report to Congress the results of the investigation.

(c) PUBLIC MEETING.—Not later than 14 days after issuing the report described in subsection (b), the Federal Trade Commission shall hold a public hearing in the State in which the retail price of gasoline was investigated as described in subsection (a) for the purpose of presenting the results of the investigation.

(d) ACTION ON PRICE INCREASE.—

(1) FINDING OF MARKET MANIPULATION.—If the Federal Trade Commission determines that the increase in gasoline prices in a

State is a result of market manipulation, the Federal Trade Commission shall, in cooperation with the Attorney General of that State, take appropriate action.

(2) NO FINDING OF MARKET MANIPULATION.—If the Federal Trade Commission determines that the increase in gasoline prices in a State is not the result of market manipulation, the Federal Trade Commission shall notify the Secretary of Energy, who shall, within 2 weeks of such notification, decide if the Strategic Petroleum Reserve should be used to assure adequate supplies of gasoline.

(e) TERMINATION.—This section shall cease to apply on the date that is 5 years after the date of enactment of this Act.

**SA 3780.** Mrs. BOXER submitted an amendment intended to be proposed by her to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 253, between lines 19 and 20, insert the following:

FUEL ASSISTANCE FROM OIL COMPANIES PROVIDING HIGH EMPLOYEE BONUS OR RETIREMENT PACKAGES

SEC. 7 \_\_\_\_\_. (a) In this section, the term “large integrated oil company” means, with respect to any taxable year, an integrated oil company (as defined in section 291(b)(4) of the Internal Revenue Code of 1986) that—

(1) has gross receipts in excess of \$1,000,000 for the taxable year; and

(2) has an average daily worldwide production of crude oil of at least 500,000 barrels for the taxable year.

(b) Notwithstanding any other provision of law, if a large integrated oil company provides to an offer or employee of the large integrated oil company a salary bonus or retirement package of more than \$50,000,000, the large integrated oil company shall pay an equal amount into the Low Income Home Energy Assistance Program.

**SA 3781.** Mrs. BOXER submitted an amendment intended to be proposed by her to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

#### FUEL-EFFICIENT VEHICLES

SEC. \_\_\_\_\_. (a) None of the funds made available in this Act may be used to purchase a vehicle for the Federal government that is not fuel-efficient to the greatest extent possible, consistent with other federal laws.

(b) Not later than 6 months after the date of the enactment of this Act, the President shall submit to Congress a report on the number and type of vehicles purchased by the Federal government, including the fuel economy of such vehicles.

**SA 3782.** Mrs. BOXER submitted an amendment intended to be proposed by her to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 117, between lines 9 and 10, insert the following:

#### MENTAL HEALTH COUNSELING AND CARE FOR MEMBERS OF THE ARMED FORCES

SEC. 1312. (a) MENTAL HEALTH COUNSELING AND CARE FOR MEMBERS OF THE ARMY.—

(1) ADDITIONAL AMOUNT FOR OPERATION AND MAINTENANCE, ARMY.—The amount appropriated by this chapter under the heading “OPERATION AND MAINTENANCE, ARMY” is hereby increased by \$20,000,000, with the entire amount of the increase designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

(2) AVAILABILITY OF AMOUNT.—Of the amount appropriated by this chapter under the heading “OPERATION AND MAINTENANCE, ARMY”, as increased by paragraph (1), \$20,000,000 shall be available to expand resources available for mental health counseling and care, including, in particular, suicide prevention programs.

(b) MENTAL HEALTH COUNSELING AND CARE FOR MEMBERS OF THE NAVY.—

(1) ADDITIONAL AMOUNT FOR OPERATION AND MAINTENANCE, NAVY.—The amount appropriated by this chapter under the heading “OPERATION AND MAINTENANCE, NAVY” is hereby increased by \$10,000,000, with the entire amount of the increase designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

(2) AVAILABILITY OF AMOUNT.—Of the amount appropriated by this chapter under the heading “OPERATION AND MAINTENANCE, NAVY”, as increased by paragraph (1), \$10,000,000 shall be available to expand resources available for mental health counseling and care, including, in particular, suicide prevention programs.

(c) MENTAL HEALTH COUNSELING AND CARE FOR MEMBERS OF THE AIR FORCE.—

(1) ADDITIONAL AMOUNT FOR OPERATION AND MAINTENANCE, AIR FORCE.—The amount appropriated by this chapter under the heading “OPERATION AND MAINTENANCE, AIR FORCE” is hereby increased by \$10,000,000, with the entire amount of the increase designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

(2) AVAILABILITY OF AMOUNT.—Of the amount appropriated by this chapter under the heading “OPERATION AND MAINTENANCE, AIR FORCE”, as increased by paragraph (1), \$10,000,000 shall be available to expand resources available for mental health counseling and care, including, in particular, suicide prevention programs.

(d) MENTAL HEALTH COUNSELING AND CARE FOR MEMBERS OF THE MARINE CORPS.—

(1) ADDITIONAL AMOUNT FOR OPERATION AND MAINTENANCE, MARINE CORPS.—The amount appropriated by this chapter under the heading “OPERATION AND MAINTENANCE, MARINE CORPS” is hereby increased by \$10,000,000, with the entire amount of the increase designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

(2) AVAILABILITY OF AMOUNT.—Of the amount appropriated by this chapter under the heading “OPERATION AND MAINTENANCE, MARINE CORPS”, as increased by paragraph (1), \$10,000,000 shall be available to expand resources available for mental health counseling and care, including, in particular, suicide prevention programs.

**SA 3783.** Mrs. BOXER submitted an amendment intended to be proposed by her to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 117, between lines 9 and 10, insert the following:

COMPREHENSIVE COMBAT CASUALTY CARE CENTER AT NAVAL MEDICAL CENTER, SAN DIEGO, CALIFORNIA

SEC. 1312. (a) ADDITIONAL AMOUNT FOR DEFENSE HEALTH PROGRAM.—The amount appropriated by this chapter under the heading “DEFENSE HEALTH PROGRAM” is hereby increased by \$16,200,000, with the amount of the increase designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

(b) AVAILABILITY OF AMOUNT.—Of the amount appropriated by this chapter under the heading “DEFENSE HEALTH PROGRAM”, as increased by subsection (a), \$16,200,000 shall be available for facilities improvements, staffing requirements, and operations costs of the Comprehensive Combat Casualty Care Center at the Naval Medical Center, San Diego, California.

**SA 3784.** Mrs. BOXER submitted an amendment intended to be proposed by her to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

#### EMERGENCY FISHERY DISASTER ASSISTANCE

SEC. \_\_\_\_\_. (a) The Secretary of Commerce shall make a direct payment to the Pacific States Marine Fisheries Commission to distribute to fishing communities, Indian tribes, businesses, holders of community development quotas issued under the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.), individuals, and other entities as emergency disaster assistance to mitigate the economic losses caused by declining Klamath River Fall Chinook salmon.

(b) The Secretary of Commerce shall require that the Pacific States Marine Fisheries Commission shall, not later than 6 months after the date that the Commission receives a payment under this section, submit to the Secretary of Commerce and the Committee on Appropriations of the Senate and the Committee on Appropriations of the House of Representatives a report describing the persons to whom the payment was distributed and the rationale for such distribution.

(c) There is appropriated to the Secretary of Commerce \$81,000,000 to make payments under this section and that amount is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006. Any amount appropriated pursuant to this subsection that is not used or otherwise obligated shall be returned to the general fund of the Treasury.

**SA 3785.** Mr. LEVIN (for himself, Mr. DORGAN, Ms. STABENOW, and Mr. CONRAD) submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

#### NORTHER BORDER AIRWINGS

SEC. \_\_\_\_\_. (a) IN GENERAL.—The amount provided in the title titled “BORDER SECURITY” for recapitalization of air assets

under the heading "AIR AND MARINE INTERDICTION, OPERATIONS, MAINTENANCE, AND PROCUREMENT" under the heading "CUSTOMS AND BORDER PROTECTION" under the heading "EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR BORDER SECURITY" is reduced by \$12,000,000.

(b) FUNDS FOR AIRWINGS.—Of the amount provided in the title titled "BORDER SECURITY" for "Air and Marine Interdiction, Operations, Maintenance, and Procurement" under the heading "AIR AND MARINE INTERDICTION, OPERATIONS, MAINTENANCE, AND PROCUREMENT" under the heading "CUSTOMS AND BORDER PROTECTION" under the heading "EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR BORDER SECURITY", \$12,000,000 is for the Northern Border airwings in Michigan and North Dakota: Provided, That the amount provided under this subsection is designated as an emergency requirement under section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

**SA 3786.** Mr. HARKIN submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 126, between lines 12 and 13, insert the following:

UNITED STATES INSTITUTE OF PEACE PROGRAMS  
IN IRAQ AND AFGHANISTAN

SEC. 1406. (a)(1) The amount appropriated by this chapter for other bilateral assistance under the heading "ECONOMIC SUPPORT FUND" is hereby increased by \$8,500,000.

(2) The amount made available under paragraph (1) is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

(b) Of the amount appropriated by this chapter for other bilateral assistance under the heading "ECONOMIC SUPPORT FUND", as increased by subsection (a), \$8,500,000 shall be made available to the United States Institute of Peace for programs in Iraq and Afghanistan.

(c) Of the funds made available by chapter 2 of title II of division A of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief, 2005" (Public Law 109-13) for military assistance under the heading "PEACEKEEPING OPERATIONS" and available for the Coalition Solidarity Initiative, \$8,500,000 is rescinded.

**SA 3787.** Mr. KYL submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place insert the following:

EXPEDITED REMOVAL

SEC. \_\_\_\_\_. Notwithstanding any other provision of law, the Secretary of Homeland Security may apply the expedited removal authority under section 235(b) of the Immigration and Nationality Act (8 U.S.C. 1225(b)) to natives and citizens of El Salvador.

**SA 3788.** Mr. KYL submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30,

2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 253, between lines 19 and 20, insert the following:

IMMIGRATION INJUNCTION REFORM

SEC. 7032. (a) SHORT TITLE.—This section may be cited as the "Fairness in Immigration Litigation Act of 2006".

(b) APPROPRIATE REMEDIES FOR IMMIGRATION LEGISLATION.—

(1) LIMITATION ON CIVIL ACTIONS.—No court may certify a class under Rule 23 of the Federal Rules of Civil Procedure in any civil action filed after the date of enactment of this Act pertaining to the administration or enforcement of the immigration laws of the United States.

(2) REQUIREMENTS FOR AN ORDER GRANTING PROSPECTIVE RELIEF AGAINST THE GOVERNMENT.—

(A) IN GENERAL.—If a court determines that prospective relief should be ordered against the Government in any civil action pertaining to the administration or enforcement of the immigration laws of the United States, the court shall—

(i) limit the relief to the minimum necessary to correct the violation of law;

(ii) adopt the least intrusive means to correct the violation of law;

(iii) minimize, to the greatest extent practicable, the adverse impact on national security, border security, immigration administration and enforcement, and public safety, and

(iv) provide for the expiration of the relief on a specific date, which allows for the minimum practical time necessary to remedy the violation.

(B) WRITTEN EXPLANATION.—The requirements described in subparagraph (A) shall be—

(i) discussed and explained in writing in the order granting prospective relief; and

(ii) sufficiently detailed to allow review by another court.

(C) EXPIRATION OF PRELIMINARY INJUNCTIVE RELIEF.—Preliminary injunctive relief shall automatically expire on the date that is 90 days after the date on which such relief is entered, unless the court—

(i) makes the findings required under subparagraph (A) for the entry of permanent prospective relief; and

(ii) makes the order final before expiration of such 90-day period.

(D) REQUIREMENTS FOR ORDER DENYING MOTION.—This paragraph shall apply to any order denying the Government's motion to vacate, modify, dissolve or otherwise terminate an order granting prospective relief in any civil action pertaining to the administration or enforcement of the immigration laws of the United States.

(3) PROCEDURE FOR MOTION AFFECTING ORDER GRANTING PROSPECTIVE RELIEF AGAINST THE GOVERNMENT.—

(A) IN GENERAL.—A court shall promptly rule on the Government's motion to vacate, modify, dissolve or otherwise terminate an order granting prospective relief in any civil action pertaining to the administration or enforcement of the immigration laws of the United States.

(B) AUTOMATIC STAYS.—

(i) IN GENERAL.—The Government's motion to vacate, modify, dissolve, or otherwise terminate an order granting prospective relief made in any civil action pertaining to the administration or enforcement of the immigration laws of the United States shall automatically, and without further order of the court, stay the order granting prospective relief on the date that is 15 days after the date on which such motion is filed unless the court previously has granted or denied the Government's motion.

(ii) DURATION OF AUTOMATIC STAY.—An automatic stay under clause (i) shall continue until the court enters an order granting or denying the Government's motion.

(iii) POSTPONEMENT.—The court, for good cause, may postpone an automatic stay under clause (i) for not longer than 15 days. No further postponement of any such automatic stay pursuant to this paragraph shall be available under this subparagraph.

(iv) AUTOMATIC STAYS DURING REMANDS FROM HIGHER COURTS.—If a higher court orders that a decision on a motion subject to this subsection be remanded to a lower court, the order granting prospective relief that is the subject of the motion shall be automatically stayed until the district court enters an order granting or denying the Government's motion.

(v) ORDERS BLOCKING AUTOMATIC STAYS.—Any order staying, suspending, delaying, or otherwise barring the effective date of the automatic stay described in clause (i), other than an order to postpone the effective date of the automatic stay for not longer than 15 days under clause (iii), shall be—

(I) treated as an order refusing to vacate, modify, dissolve or otherwise terminate an injunction; and

(II) immediately appealable under section 1292(a)(1) of title 28, United States Code.

(C) MOTIONS.—

(i) IN GENERAL.—For purposes of this paragraph, any motion pending for not more than 45 days on the date of enactment of this Act shall be treated as if it had been filed on such date of enactment.

(ii) MOTIONS PENDING FOR MORE THAN 45 DAYS.—Every motion to vacate, modify, dissolve, or otherwise terminate an order granting prospective relief in any civil action pertaining to the administration or enforcement of the immigration laws of the United States which has been pending for more than 45 days as of the date of enactment of this Act, and remains pending on the 10th day following such date of enactment, shall result in an automatic stay, without further order of the court, of the prospective relief that is the subject of any such motion.

(4) ADDITIONAL RULES CONCERNING PROSPECTIVE RELIEF AFFECTING EXPEDITED REMOVAL.—

(A) JURISDICTION.—Notwithstanding any other provision of law (statutory or non-statutory), including section 2241 of title 28, United States Code, or any other habeas provision, and sections 1361 and 1651 of such title, no court has jurisdiction to grant or continue an order or part of an order granting prospective relief if the order or part of the order interferes with, affects, or impacts any determination pursuant to, or implementation of, section 235(b)(1) of the Immigration and Nationality Act (8 U.S.C. 1225(b)(1)).

(B) EFFECT OF GOVERNMENT MOTION.—Upon the Government's filing of a motion to vacate, modify, dissolve or otherwise terminate an order granting prospective relief in a civil action described in paragraph (2), the court shall promptly decide whether it continues to have jurisdiction and shall promptly vacate any order or part of an order granting prospective relief that is not within the jurisdiction of the court.

(C) EXCEPTION.—Subparagraphs (A) and (B) shall not apply to the extent that—

(i) an order granting prospective relief was entered before the date of enactment of this Act; and

(ii) the prospective relief is necessary to remedy the violation of a right guaranteed by the United States Constitution.

(5) SETTLEMENTS.—

(A) CONSENT DECREES.—In any civil action pertaining to the administration or enforcement of the immigration laws of the United

States, the court may not enter, approve, or continue a consent decree that does not comply with paragraph (2).

(B) PRIVATE SETTLEMENT AGREEMENTS.—Nothing in this subsection shall preclude parties from entering into a private settlement agreement that does not comply with paragraph (2) if the terms of that agreement are not subject to court enforcement other than reinstatement of the civil proceedings that the agreement settled.

(6) EXPEDITED PROCEEDINGS.—It shall be the duty of every court to advance on the docket and to expedite the disposition of any civil action or motion considered under this subsection.

(7) DEFINITIONS.—In this subsection:

(A) CONSENT DECREE.—The term “consent decree” —

(i) means any relief entered by the court that is based in whole or in part on the consent or acquiescence of the parties; and

(ii) does not include private settlements.

(B) GOOD CAUSE.—The term “good cause” does not include discovery or congestion of the court’s calendar.

(C) GOVERNMENT.—The term “Government” means the United States, any Federal department or agency, or any Federal agent or official acting within the scope of official duties.

(D) PERMANENT RELIEF.—The term “permanent relief” means relief issued in connection with a final decision of a court.

(E) PRIVATE SETTLEMENT AGREEMENT.—The term “private settlement agreement” means an agreement entered into among the parties that is not subject to judicial enforcement other than the reinstatement of the civil action that the agreement settled.

(F) PROSPECTIVE RELIEF.—The term “prospective relief” means temporary, preliminary, or permanent relief other than compensatory monetary damages.

(C) APPLICATION OF AMENDMENT.—This section shall apply with respect to all orders granting prospective relief in any civil action pertaining to the administration or enforcement of the immigration laws of the United States, whether such relief was ordered before, on, or after the date of the enactment of this Act.

(d) SEVERABILITY.—If any provision of this section or the application of such provision to any person or circumstance is found to be unconstitutional, the remainder of this section and the application of the provisions of such to any person or circumstance shall not be affected thereby.

**SA 3789.** Mrs. HUTCHISON (for herself, Mr. CORNYN, and Ms. LANDRIEU) submitted an amendment intended to be proposed by her to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 165, line 20, after “Provided,” insert the following: “That for states in which the President declared a major disaster (as that term is defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122)) on September 24, 2005, as a result of Hurricane Rita, each county or parish eligible for individual and public assistance under such declaration in such States will be treated equally for purposes of cost-share adjustments under such Act, to account for the impact in those counties and parishes of Hurricanes Rita and Katrina: Provided further;”

**SA 3790.** Mrs. HUTCHISON submitted an amendment intended to be proposed

by her to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

Except for the renewal of existing intergovernmental agreements, the Bureau of Prisons (BOP) shall not plan, support, or contract to meet Federal BOP bed space needs which replace intergovernmental agreements existing at the date of enactment hereof and are used to house 1000 or more Federal inmates, until 30 days after the General Accountability Office releases the BOP Cost Comparison Report required in the Conference Report that accompanied Public 109-108.

**SA 3791.** Mrs. HUTCHISON (for herself, Mr. CORNYN, and Ms. LANDRIEU) submitted an amendment intended to be proposed by her to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 176, strike lines 4 through 7 and insert the following:

December 31, 2006, for part A of title V of the Elementary and Secondary Education Act of 1965 (“ESEA”) for allocations to States for necessary expenses in the 2006-2007 academic year related to the consequences of Hurricanes Katrina and Rita: Provided further, That, notwithstanding the allotment formula described in section 5111 of the ESEA, funds made available in the preceding proviso shall be allocated to each eligible State educational agency on the basis of its relative share of displaced students (as that term is defined in section 107(b)(1) of title IV of division B of Public Law 109-148) enrolled on October 1, 2006, provided that the number of displaced students enrolled in public and private elementary schools and secondary schools in the State is not less than 1 percent of the total fourth quarter displaced student enrollment count of the 2005-2006 academic year: Provided further, That, notwithstanding the allocation formula described in section 5112 of the ESEA, each State educational agency shall make 100 percent of funds available under such proviso to local educational agencies on the basis of each local educational agency’s relative share of displaced students on October 1, 2006: Provided further, That such local educational agencies shall use such funds in accordance with sections 5131 and 5142 of the ESEA: Provided further, that the

**SA 3792.** Mrs. HUTCHISON (for herself, Mr. CORNYN, and Ms. LANDRIEU) submitted an amendment intended to be proposed by her to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 165, line 19, strike “\$10,600,000,000” and all that follows through line 23 and insert the following: “\$10,800,000,000 to remain available until expended: Provided, That \$200,000,000 shall be for ensuring that for states in which the President declared a major disaster (as that term is defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122)) on September 24, 2005, as a result of Hurricane Rita, that each county or parish eligible for individual and public assistance under such declaration in such

States will be treated equally for purposes of cost-share adjustments under such Act, to account for the impact in those counties and parishes of Hurricanes Rita and Katrina: Provided further, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006: Provided further, That of funds made available under the heading ‘Millennium Challenge Corporation’ under the heading ‘Independent Agencies’ in Title II of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2006 (Public Law 109-102; 119 Stat. 2184), \$200 million is rescinded.”

**SA 3793.** Mr. COCHRAN submitted an amendment intended to be proposed by him to the bill H.R. 4936, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 165, line 19, strike “\$10,600,000,000” all through and including line 23 and insert “\$7,333,000,000, to remain available until expended: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.”

**SA 3794.** Mr. INHOFE submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 162, line 3, after “contractors;”, insert the following: “Provided further, That \$520,000,000 of the funds appropriated herein to modify the 17th Street, Orleans Avenue, and London Avenue drainage canals and install pumps and closure structures at or near the lakefront; \$198,000,000 of the funds appropriated herein for storm-proofing interior pump stations to ensure the operability of the stations during hurricanes, storms, and high water events; and \$285,000,000 of the funds appropriated herein to improve protection at the Inner Harbor Navigation Canal shall be available only for fiscal years 2007 and thereafter, subject to authorization.”

**SA 3795.** Mr. INHOFE submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 159, strike lines 15 through 20 and insert the following: “, \$122,850,000, to remain available until expended: Provided, That the provision of such sums shall be subject to authorization.”

On page 161, beginning on line 3, strike “the Secretary” and all that follows through “tem:” on line 20 and insert the following: “the provision of such sums shall be subject to authorization.”

**SA 3796.** Mr. INHOFE submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 253, strike lines 12 through 19.

**SA 3797.** Mr. DURBIN submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 171, strike lines 19 through 24 and insert the following:

canes of the 2005 season, \$6,300,000, to remain available until September 30, 2007, of which the Administrator of the Environmental Protection Agency, by not later than 60 days after the date of enactment of this Act, shall use \$300,000 to prepare and submit to Congress a report that describes the potential hazards posed by exposure to any hazardous substance, pollutant, or contaminant (including disease-causing organisms and mold) that may have been released or mobilized into the environment due to Hurricane Katrina or Hurricane Rita and methods by which the Administrator plans to mitigate those hazards: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

**SA 3798.** Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VII, insert the following:

**SEC. \_\_\_\_.** Any national service educational award described in subtitle D of title I of the National and Community Service Act of 1990 (42 U.S.C. 12601 et seq.), made with funds appropriated to, funds transferred to, or interest accumulated in the National Service Trust, shall be known as a "Segal award".

**SA 3799.** Mr. INOUE (for himself, Mr. STEVENS, Mr. SHELBY, Mr. SARBANES, and Mr. ROCKEFELLER) submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

#### **TITLE —IMPROVED PUBLIC TRANSPORTATION SECURITY**

##### **SEC. —101. SHORT TITLE; TABLE OF CONTENTS.**

(a) **SHORT TITLE.**—This title may be cited as the "Public Transportation Terrorism Prevention Act of 2006".

(b) **TABLE OF CONTENTS.**—The table of contents for this title is as follows:

Sec. —101. Short title; table of contents.

Sec. —102. Findings and purpose.

Sec. —103. Security assessments.

Sec. —104. Security assistance grants.

Sec. —105. Intelligence sharing.

Sec. —106. Research, development, and demonstration grants.

Sec. —107. Reporting requirements.

Sec. —108. Authorization of appropriations.

Sec. —109. Sunset provision.

##### **SEC. —102. FINDINGS AND PURPOSE.**

(a) **FINDINGS.**—Congress finds that—

(1) public transportation systems throughout the world have been a primary target of terrorist attacks, causing countless death and injuries;

(2) 5,800 public transportation agencies operate in the United States;

(3) 14,000,000 people in the United States ride public transportation each work day;

(4) safe and secure public transportation systems are essential for the Nation's economy and for significant national and international public events;

(5) the Federal Transit Administration has invested \$74,900,000,000 since 1992 for construction and improvements to the Nation's public transportation systems;

(6) the Federal Government appropriately invested \$18,100,000,000 in fiscal years 2002 through 2005 to protect our Nation's aviation system and its 1,800,000 daily passengers;

(7) the Federal Government has allocated \$250,000,000 in fiscal years 2003 through 2005 to protect public transportation systems in the United States;

(8) the Federal Government has invested \$7.38 in aviation security improvements per passenger, but only \$0.007 in public transportation security improvements per passenger;

(9) the Government Accountability Office, the Mineta Institute for Surface Transportation Policy Studies, the American Public Transportation Association, and many transportation experts have reported an urgent need for significant investment in public transportation security improvements; and

(10) the Federal Government has a duty to deter and mitigate, to the greatest extent practicable, threats against the Nation's public transportation systems.

##### **SEC. —103. SECURITY ASSESSMENTS.**

(a) **PUBLIC TRANSPORTATION SECURITY ASSESSMENTS.**—

(1) **SUBMISSION.**—Not later than 30 days after the date of enactment of this Act, the Federal Transit Administration of the Department of Transportation shall submit all public transportation security assessments and all other relevant information to the Secretary of Homeland Security.

(2) **REVIEW.**—Not later than July 31, 2006, the Secretary of Homeland Security shall review and augment the security assessments received under paragraph (1).

(3) **ALLOCATIONS.**—The Secretary of Homeland Security shall use the security assessments received under paragraph (1) as the basis for allocating grant funds under section —104, unless the Secretary notifies the Committee on Banking, Housing, and Urban Affairs of the Senate that the Secretary has determined that an adjustment is necessary to respond to an urgent threat or other significant factors.

(4) **SECURITY IMPROVEMENT PRIORITIES.**—Not later than September 30, 2006, the Secretary of Homeland Security, after consultation with the management and employee representatives of each public transportation system for which a security assessment has been received under paragraph (1), shall establish security improvement priorities that will be used by public transportation agencies for any funding provided under section —104.

(5) **UPDATES.**—Not later than July 31, 2007, and annually thereafter, the Secretary of Homeland Security shall—

(A) update the security assessments referred to in this subsection; and

(B) conduct security assessments of all public transportation agencies considered to be at greatest risk of a terrorist attack.

(b) **USE OF SECURITY ASSESSMENT INFORMATION.**—The Secretary of Homeland Security shall use the information collected under subsection (a)—

(1) to establish the process for developing security guidelines for public transportation security; and

(2) to design a security improvement strategy that—

(A) minimizes terrorist threats to public transportation systems; and

(B) maximizes the efforts of public transportation systems to mitigate damage from terrorist attacks.

(c) **BUS AND RURAL PUBLIC TRANSPORTATION SYSTEMS.**—Not later than July 31, 2006, the Secretary of Homeland Security shall conduct security assessments, appropriate to the size and nature of each system, to determine the specific needs of—

(1) local bus-only public transportation systems; and

(2) selected public transportation systems that receive funds under section 5311 of title 49, United States Code.

##### **SEC. —104. SECURITY ASSISTANCE GRANTS.**

(a) **CAPITAL SECURITY ASSISTANCE PROGRAM.**—

(1) **IN GENERAL.**—The Secretary of Homeland Security shall award grants directly to public transportation agencies for allowable capital security improvements based on the priorities established under section —103(a)(4).

(2) **ALLOWABLE USE OF FUNDS.**—Grants awarded under paragraph (1) may be used for—

(A) tunnel protection systems;

(B) perimeter protection systems;

(C) redundant critical operations control systems;

(D) chemical, biological, radiological, or explosive detection systems;

(E) surveillance equipment;

(F) communications equipment;

(G) emergency response equipment;

(H) fire suppression and decontamination equipment;

(I) global positioning or automated vehicle locator type system equipment;

(J) evacuation improvements; and

(K) other capital security improvements.

(b) **OPERATIONAL SECURITY ASSISTANCE PROGRAM.**—

(1) **IN GENERAL.**—The Secretary of Homeland Security shall award grants directly to public transportation agencies for allowable operational security improvements based on the priorities established under section —103(a)(4).

(2) **ALLOWABLE USE OF FUNDS.**—Grants awarded under paragraph (1) may be used for—

(A) security training for public transportation employees, including bus and rail operators, mechanics, customer service, maintenance employees, transit police, and security personnel;

(B) live or simulated drills;

(C) public awareness campaigns for enhanced public transportation security;

(D) canine patrols for chemical, biological, or explosives detection;

(E) overtime reimbursement for enhanced security personnel during significant national and international public events, consistent with the priorities established under section —103(a)(4); and

(F) other appropriate security improvements identified under section —103(a)(4), excluding routine, ongoing personnel costs.

(c) **CONGRESSIONAL NOTIFICATION.**—Not later than 3 days before the award of any grant under this section, the Secretary of Homeland Security shall notify the Committee on Banking, Housing, and Urban Affairs of the Senate of the intent to award such grant.

(d) **PUBLIC TRANSPORTATION AGENCY RESPONSIBILITIES.**—Each public transportation agency that receives a grant under this section shall—

(1) identify a security coordinator to coordinate security improvements;

(2) develop a comprehensive plan that demonstrates the agency's capacity for operating and maintaining the equipment purchased under this section; and

(3) report annually to the Department of Homeland Security on the use of grant funds received under this section.

(e) **RETURN OF MISSPENT GRANT FUNDS.**—If the Secretary of Homeland Security determines that a grantee used any portion of the grant funds received under this section for a purpose other than the allowable uses specified for that grant under this section, the grantee shall return any amount so used to the Treasury of the United States.

#### **SEC. —105. INTELLIGENCE SHARING.**

(a) **INTELLIGENCE SHARING.**—The Secretary of Homeland Security shall ensure that the Department of Transportation receives appropriate and timely notification of all credible terrorist threats against public transportation assets in the United States.

(b) **INFORMATION SHARING ANALYSIS CENTER.**—

(1) **ESTABLISHMENT.**—The Secretary of Homeland Security shall provide sufficient financial assistance for the reasonable costs of the Information Sharing and Analysis Center for Public Transportation (referred to in this subsection as the “ISAC”) established pursuant to Presidential Directive 63, to protect critical infrastructure.

(2) **PUBLIC TRANSPORTATION AGENCY PARTICIPATION.**—The Secretary of Homeland Security—

(A) shall require those public transportation agencies that the Secretary determines to be at significant risk of terrorist attack to participate in the ISAC;

(B) shall encourage all other public transportation agencies to participate in the ISAC; and

(C) shall not charge a fee to any public transportation agency for participating in the ISAC.

#### **SEC. —106. RESEARCH, DEVELOPMENT, AND DEMONSTRATION GRANTS.**

(a) **GRANTS AUTHORIZED.**—The Secretary of Homeland Security, in consultation with the Federal Transit Administration, shall award grants to public or private entities to conduct research into, and demonstrate, technologies and methods to reduce and deter terrorist threats or mitigate damages resulting from terrorist attacks against public transportation systems.

(b) **USE OF FUNDS.**—Grants awarded under subsection (a) may be used to—

(1) research chemical, biological, radiological, or explosive detection systems that do not significantly impede passenger access;

(2) research imaging technologies;

(3) conduct product evaluations and testing; and

(4) research other technologies or methods for reducing or deterring terrorist attacks against public transportation systems, or mitigating damage from such attacks.

(c) **REPORTING REQUIREMENT.**—Each entity that receives a grant under this section shall report annually to the Department of Homeland Security on the use of grant funds received under this section.

(d) **RETURN OF MISSPENT GRANT FUNDS.**—If the Secretary of Homeland Security determines that a grantee used any portion of the grant funds received under this section for a purpose other than the allowable uses specified under subsection (b), the grantee shall return any amount so used to the Treasury of the United States.

#### **SEC. —107. REPORTING REQUIREMENTS.**

(a) **SEMI-ANNUAL REPORT TO CONGRESS.**—

(1) **IN GENERAL.**—Not later than March 31 and September 30 of each year, the Secretary of Homeland Security shall submit a report, containing the information described in paragraph (2), to—

(A) the Committee on Banking, Housing, and Urban Affairs of the Senate;

(B) the Committee on Homeland Security and Governmental Affairs of the Senate; and

(C) the Committee on Appropriations of the Senate.

(2) **CONTENTS.**—The report submitted under paragraph (1) shall include—

(A) a description of the implementation of the provisions of sections — 103 through 106;

(B) the amount of funds appropriated to carry out the provisions of each of sections — 103 through 106 that have not been expended or obligated; and

(C) the state of public transportation security in the United States.

(b) **ANNUAL REPORT TO GOVERNORS.**—

(1) **IN GENERAL.**—Not later than March 31 of each year, the Secretary of Homeland Security shall submit a report to the Governor of each State with a public transportation agency that has received a grant under this title.

(2) **CONTENTS.**—The report submitted under paragraph (1) shall specify—

(A) the amount of grant funds distributed to each such public transportation agency; and

(B) the use of such grant funds.

#### **SEC. —108. AUTHORIZATION OF APPROPRIATIONS.**

(a) **CAPITAL SECURITY ASSISTANCE PROGRAM.**—There are authorized to be appropriated \$2,370,000,000 for fiscal year 2007 to carry out the provisions of section —104(a), which shall remain available until expended.

(b) **OPERATIONAL SECURITY ASSISTANCE PROGRAM.**—There are authorized to be appropriated to carry out the provisions of section —104(b)—

(1) \$534,000,000 for fiscal year 2007;

(2) \$333,000,000 for fiscal year 2008; and

(3) \$133,000,000 for fiscal year 2009.

(c) **INTELLIGENCE.**—There are authorized to be appropriated such sums as may be necessary to carry out the provisions of section —105.

(d) **RESEARCH.**—There are authorized to be appropriated \$130,000,000 for fiscal year 2007 to carry out the provisions of section —106, which shall remain available until expended.

#### **SEC. —109. SUNSET PROVISION.**

The authority to make grants under this title shall expire on October 1, 2009.

#### **TITLE —IMPROVED RAIL SECURITY**

##### **SEC. —201. SHORT TITLE; TABLE OF CONTENTS.**

(a) **SHORT TITLE.**—This title may be cited as the “Rail Security Act of 2006”.

(b) **TABLE OF CONTENTS.**—The table of contents for this title is as follows:

Sec. —201. Short title; table of contents.

Sec. —202. Rail transportation security risk assessment.

Sec. —203. Systemwide AMTRAK security upgrades.

Sec. —204. Fire and life-safety improvements.

Sec. —205. Freight and passenger rail security upgrades.

Sec. —206. Rail security research and development.

Sec. —207. Oversight and grant procedures.

Sec. —208. AMTRAK plan to assist families of passengers involved in rail passenger accidents.

Sec. —209. Northern border rail passenger report.

Sec. —210. Rail worker security training program.

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Sec. —212. High hazard material security threat mitigation plans.

Sec. —213. Memorandum of agreement.

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Sec. —215. Public awareness.

Sec. —216. Railroad high hazard material tracking.

Sec. —217. Authorization of appropriations.

##### **SEC. —202. RAIL TRANSPORTATION SECURITY RISK ASSESSMENT.**

(a) **IN GENERAL.**—

(1) **VULNERABILITY AND RISK ASSESSMENT.**—The Secretary of Homeland Security shall establish a task force, including the Transportation Security Administration, the Department of Transportation, and other appropriate agencies, to complete a vulnerability and risk assessment of freight and passenger rail transportation (encompassing railroads, as that term is defined in section 20102(1) of title 49, United States Code). The assessment shall include—

(A) a methodology for conducting the risk assessment, including timelines, that addresses how the Department of Homeland Security will work with the entities describe in subsection (b) and make use of existing Federal expertise within the Department of Homeland Security, the Department of Transportation, and other appropriate agencies;

(B) identification and evaluation of critical assets and infrastructures;

(C) identification of vulnerabilities and risks to those assets and infrastructures;

(D) identification of vulnerabilities and risks that are specific to the transportation of hazardous materials via railroad;

(E) identification of security weaknesses in passenger and cargo security, transportation infrastructure, protection systems, procedural policies, communications systems, employee training, emergency response planning, and any other area identified by the assessment; and

(F) an account of actions taken or planned by both public and private entities to address identified rail security issues and assess the effective integration of such actions.

(2) **RECOMMENDATIONS.**—Based on the assessment conducted under paragraph (1), the Secretary, in consultation with the Secretary of Transportation, shall develop prioritized recommendations for improving rail security, including any recommendations the Secretary has for—

(A) improving the security of rail tunnels, rail bridges, rail switching and car storage areas, other rail infrastructure and facilities, information systems, and other areas identified by the Secretary as posing significant rail-related risks to public safety and the movement of interstate commerce, taking into account the impact that any proposed security measure might have on the provision of rail service;

(B) deploying equipment to detect explosives and hazardous chemical, biological, and radioactive substances, and any appropriate countermeasures;

(C) training appropriate railroad or railroad shipper employees in terrorism prevention, passenger evacuation, and response activities;

(D) conducting public outreach campaigns on passenger railroads;

(E) deploying surveillance equipment; and

(F) identifying the immediate and long-term costs of measures that may be required to address those risks.

(3) **PLANS.**—The report required by subsection (c) shall include—

(A) a plan, developed in consultation with the freight and intercity passenger railroads, and State and local governments, for the Federal government to provide increased security support at high or severe threat levels of alert;

(B) a plan for coordinating existing and planned rail security initiatives undertaken by the public and private sectors; and

(C) a contingency plan, developed in conjunction with freight and intercity and commuter passenger railroads, to ensure the continued movement of freight and passengers in the event of an attack affecting the railroad system, which shall contemplate—

(i) the possibility of rerouting traffic due to the loss of critical infrastructure, such as a bridge, tunnel, yard, or station; and

(ii) methods of continuing railroad service in the Northeast Corridor in the event of a commercial power loss, or catastrophe affecting a critical bridge, tunnel, yard, or station.

(b) **CONSULTATION; USE OF EXISTING RESOURCES.**—In carrying out the assessment and developing the recommendations and plans required by subsection (a), the Secretary of Homeland Security shall consult with rail management, rail labor, owners or lessors of rail cars used to transport hazardous materials, first responders, shippers of hazardous materials, public safety officials, and other relevant parties.

(c) **REPORT.**—

(1) **CONTENTS.**—Within 180 days after the date of enactment of this Act, the Secretary shall transmit to the Senate Committee on Commerce, Science, and Transportation, the House of Representatives Committee on Transportation and Infrastructure, and the House of Representatives Committee on Homeland Security a report containing the assessment, prioritized recommendations, and plans required by subsection (a) and an estimate of the cost to implement such recommendations.

(2) **FORMAT.**—The Secretary may submit the report in both classified and redacted formats if the Secretary determines that such action is appropriate or necessary.

(d) **ANNUAL UPDATES.**—The Secretary, in consultation with the Secretary of Transportation, shall update the assessment and recommendations each year and transmit a report, which may be submitted in both classified and redacted formats, to the Committees named in subsection (c)(1), containing the updated assessment and recommendations.

(e) **FUNDING.**—Out of funds appropriated pursuant to section 114(u) of title 49, United States Code, there shall be made available to the Secretary of Homeland Security to carry out this section \$5,000,000 for fiscal year 2007.

#### **SEC. —203. SYSTEMWIDE AMTRAK SECURITY UPGRADES.**

(a) **IN GENERAL.**—Subject to subsection (c) the Secretary of Homeland Security, in consultation with the Assistant Secretary of Homeland Security (Transportation Security Administration), is authorized to make grants to Amtrak—

(1) to secure major tunnel access points and ensure tunnel integrity in New York, Baltimore, and Washington, DC;

(2) to secure Amtrak trains;

(3) to secure Amtrak stations;

(4) to obtain a watch list identification system approved by the Secretary;

(5) to obtain train tracking and interoperable communications systems that are coordinated to the maximum extent possible;

(6) to hire additional police and security officers, including canine units;

(7) to expand emergency preparedness efforts; and

(8) for employee security training.

(b) **CONDITIONS.**—The Secretary of Transportation shall disburse funds to Amtrak provided under subsection (a) for projects contained in a systemwide security plan approved by the Secretary of Homeland Security. The plan shall include appropriate measures to address security awareness, emergency response, and passenger evacuation training.

(c) **EQUITABLE GEOGRAPHIC ALLOCATION.**—The Secretary shall ensure that, subject to meeting the highest security needs on Amtrak's entire system and consistent with the risk assessment required under section —202, stations and facilities located outside of the Northeast Corridor receive an equitable

share of the security funds authorized by this section.

(d) **AVAILABILITY OF FUNDS.**—Out of funds appropriated pursuant to section 114(u) of title 49, United States Code, there shall be made available to the Secretary of Homeland Security and the Assistant Secretary of Homeland Security (Transportation Security Administration) to carry out this section—

(1) \$63,500,000 for fiscal year 2007;

(2) \$30,000,000 for fiscal year 2008; and

(3) \$30,000,000 for fiscal year 2009.

Amounts appropriated pursuant to this subsection shall remain available until expended.

#### **SEC. —204. FIRE AND LIFE-SAFETY IMPROVEMENTS.**

(a) **LIFE-SAFETY NEEDS.**—The Secretary of Transportation, in consultation with the Secretary of Homeland Security, is authorized to make grants to Amtrak for the purpose of making fire and life-safety improvements to Amtrak tunnels on the Northeast Corridor in New York, NY, Baltimore, MD, and Washington, DC.

(b) **AUTHORIZATION OF APPROPRIATIONS.**—Out of funds appropriated pursuant to section —217(b) of this title, there shall be made available to the Secretary of Transportation for the purposes of carrying out subsection (a) the following amounts:

(1) For the 6 New York tunnels to provide ventilation, electrical, and fire safety technology upgrades, emergency communication and lighting systems, and emergency access and egress for passengers—

(A) \$190,000,000 for fiscal year 2007;

(B) \$190,000,000 for fiscal year 2008; and

(C) \$190,000,000 for fiscal year 2009.

(2) For the Baltimore & Potomac tunnel and the Union tunnel, together, to provide adequate drainage, ventilation, communication, lighting, and passenger egress upgrades—

(A) \$19,000,000 for fiscal year 2007;

(B) \$19,000,000 for fiscal year 2008; and

(C) \$19,000,000 for fiscal year 2009.

(3) For the Washington, DC, Union Station tunnels to improve ventilation, communication, lighting, and passenger egress upgrades—

(A) \$13,333,000 for fiscal year 2007;

(B) \$13,333,000 for fiscal year 2008; and

(C) \$13,333,000 for fiscal year 2009.

(c) **INFRASTRUCTURE UPGRADES.**—Out of funds appropriated pursuant to section —217(b) of this title, there shall be made available to the Secretary of Transportation for fiscal year 2007 \$3,000,000 for the preliminary design of options for a new tunnel on a different alignment to augment the capacity of the existing Baltimore tunnels.

(d) **AVAILABILITY OF APPROPRIATED FUNDS.**—Amounts made available pursuant to this section shall remain available until expended.

(e) **PLANS REQUIRED.**—The Secretary of Transportation may not make amounts available to Amtrak for obligation or expenditure under subsection (a)—

(1) until Amtrak has submitted to the Secretary, and the Secretary has approved, an engineering and financial plan for such projects; and

(2) unless, for each project funded pursuant to this section, the Secretary has approved a project management plan prepared by Amtrak addressing appropriate project budget, construction schedule, recipient staff organization, document control and record keeping, change order procedure, quality control and assurance, periodic plan updates, and periodic status reports.

(f) **REVIEW OF PLANS.**—The Secretary of Transportation shall complete the review of the plans required by paragraphs (1) and (2) of subsection (e) and approve or disapprove the plans within 45 days after the date on

which each such plan is submitted by Amtrak. If the Secretary determines that a plan is incomplete or deficient, the Secretary shall notify Amtrak of the incomplete items or deficiencies and Amtrak shall, within 30 days after receiving the Secretary's notification, submit a modified plan for the Secretary's review. Within 15 days after receiving additional information on items previously included in the plan, and within 45 days after receiving items newly included in a modified plan, the Secretary shall either approve the modified plan, or, if the Secretary finds the plan is still incomplete or deficient, the Secretary shall identify in writing to the Senate Committee on Commerce, Science, and Transportation, the House of Representatives Committee on Transportation and Infrastructure, and the House of Representatives Committee on Homeland Security the portions of the plan the Secretary finds incomplete or deficient, approve all other portions of the plan, obligate the funds associated with those other portions, and execute an agreement with Amtrak within 15 days thereafter on a process for resolving the remaining portions of the plan.

(g) **FINANCIAL CONTRIBUTION FROM OTHER TUNNEL USERS.**—The Secretary shall, taking into account the need for the timely completion of all portions of the tunnel projects described in subsection (a)—

(1) consider the extent to which rail carriers other than Amtrak use or plan to use the tunnels;

(2) consider the feasibility of seeking a financial contribution from those other rail carriers toward the costs of the projects; and

(3) obtain financial contributions or commitments from such other rail carriers at levels reflecting the extent of their use or planned use of the tunnels, if feasible.

#### **SEC. —205. FREIGHT AND PASSENGER RAIL SECURITY UPGRADES.**

(a) **SECURITY IMPROVEMENT GRANTS.**—The Secretary of Homeland Security, through the Assistant Secretary of Homeland Security (Transportation Security Administration) and other appropriate agencies, is authorized to make grants to freight railroads, the Alaska Railroad, hazardous materials shippers, owners of rail cars used in the transportation of hazardous materials, universities, colleges and research centers, State and local governments (for rail passenger facilities and infrastructure not owned by Amtrak), and, through the Secretary of Transportation, to Amtrak, for full or partial reimbursement of costs incurred in the conduct of activities to prevent or respond to acts of terrorism, sabotage, or other intercity passenger rail and freight rail security vulnerabilities and risks identified under section —202, including—

(1) security and redundancy for critical communications, computer, and train control systems essential for secure rail operations;

(2) accommodation of rail cargo or passenger screening equipment at the United States-Mexico border, the United States-Canada border, or other ports of entry;

(3) the security of hazardous material transportation by rail;

(4) secure intercity passenger rail stations, trains, and infrastructure;

(5) structural modification or replacement of rail cars transporting high hazard materials to improve their resistance to acts of terrorism;

(6) employee security awareness, preparedness, passenger evacuation, and emergency response training;

(7) public security awareness campaigns for passenger train operations;

(8) the sharing of intelligence and information about security threats;

(9) to obtain train tracking and interoperable communications systems that are coordinated to the maximum extent possible;

(10) to hire additional police and security officers, including canine units; and

(11) other improvements recommended by the report required by section —202, including infrastructure, facilities, and equipment upgrades.

(b) **ACCOUNTABILITY.**—The Secretary shall adopt necessary procedures, including audits, to ensure that grants made under this section are expended in accordance with the purposes of this title and the priorities and other criteria developed by the Secretary.

(c) **ALLOCATION.**—The Secretary shall distribute the funds authorized by this section based on risk and vulnerability as determined under section —202, and shall encourage non-Federal financial participation in awarding grants. With respect to grants for intercity passenger rail security, the Secretary shall also take into account passenger volume and whether a station is used by commuter rail passengers as well as intercity rail passengers.

(d) **CONDITIONS.**—The Secretary of Transportation may not disburse funds to Amtrak under subsection (a) unless Amtrak meets the conditions set forth in section —203(b) of this title.

(e) **ALLOCATION BETWEEN RAILROADS AND OTHERS.**—Unless as a result of the assessment required by section —202 the Secretary of Homeland Security determines that critical rail transportation security needs require reimbursement in greater amounts to any eligible entity, no grants under this section may be made—

(1) in excess of \$45,000,000 to Amtrak; or

(2) in excess of \$80,000,000 for the purposes described in paragraphs (3) and (5) of subsection (a).

(f) **AUTHORIZATION OF APPROPRIATIONS.**—Out of funds appropriated pursuant to section 114(u) of title 49, United States Code, there shall be made available to the Secretary of Homeland Security to carry out this section—

(1) \$100,000,000 for fiscal year 2007;

(2) \$100,000,000 for fiscal year 2008; and

(3) \$100,000,000 for fiscal year 2009.

Amounts made available pursuant to this subsection shall remain available until expended.

(g) **HIGH HAZARD MATERIALS DEFINED.**—In this section, the term “high hazard materials” means quantities of poison inhalation hazard materials, Class 2.3 gases, Class 6.1 materials, and anhydrous ammonia that the Secretary, in consultation with the Secretary of Transportation, determines pose a security risk.

#### **SEC. —206. RAIL SECURITY RESEARCH AND DEVELOPMENT.**

(a) **ESTABLISHMENT OF RESEARCH AND DEVELOPMENT PROGRAM.**—The Secretary of Homeland Security, through the Under Secretary for Science and Technology and the Assistant Secretary of Homeland Security (Transportation Security Administration), in consultation with the Secretary of Transportation shall carry out a research and development program for the purpose of improving freight and intercity passenger rail security that may include research and development projects to—

(1) reduce the vulnerability of passenger trains, stations, and equipment to explosives and hazardous chemical, biological, and radioactive substances;

(2) test new emergency response techniques and technologies;

(3) develop improved freight technologies, including—

(A) technologies for sealing rail cars;

(B) automatic inspection of rail cars;

(C) communication-based train controls; and

(D) emergency response training;

(4) test wayside detectors that can detect tampering with railroad equipment;

(5) support enhanced security for the transportation of hazardous materials by rail, including—

(A) technologies to detect a breach in a tank car or other rail car used to transport hazardous materials and transmit information about the integrity of cars to the train crew or dispatcher;

(B) research to improve tank car integrity, with a focus on tank cars that carry high hazard materials (as defined in section —205(g) of this title; and

(C) techniques to transfer hazardous materials from rail cars that are damaged or otherwise represent an unreasonable risk to human life or public safety; and

(6) other projects that address vulnerabilities and risks identified under section —202.

(b) **COORDINATION WITH OTHER RESEARCH INITIATIVES.**—The Secretary of Homeland Security shall ensure that the research and development program authorized by this section is coordinated with other research and development initiatives at the Department of Homeland Security and the Department of Transportation. The Secretary shall carry out any research and development project authorized by this section through a reimbursable agreement with the Secretary of Transportation, if the Secretary of Transportation—

(1) is already sponsoring a research and development project in a similar area; or

(2) has a unique facility or capability that would be useful in carrying out the project.

(c) **GRANTS AND ACCOUNTABILITY.**—To carry out the research and development program, the Secretary may award grants to the entities described in section —205(a) and shall adopt necessary procedures, including audits, to ensure that grants made under this section are expended in accordance with the purposes of this title and the priorities and other criteria developed by the Secretary.

(d) **AUTHORIZATION OF APPROPRIATIONS.**—Out of funds appropriated pursuant to section 114(u) of title 49, United States Code, there shall be made available to the Secretary of Homeland Security to carry out this section—

(1) \$35,000,000 for fiscal year 2007;

(2) \$35,000,000 for fiscal year 2008; and

(3) \$35,000,000 for fiscal year 2009.

Amounts made available pursuant to this subsection shall remain available until expended.

#### **SEC. —207. OVERSIGHT AND GRANT PROCEDURES.**

(a) **SECRETARIAL OVERSIGHT.**—The Secretary of Homeland Security may use up to 0.5 percent of amounts made available for capital projects under the Rail Security Act of 2006 to enter into contracts for the review of proposed capital projects and related program management plans and to oversee construction of such projects.

(b) **USE OF FUNDS.**—The Secretary may use amounts available under subsection (a) of this subsection to make contracts to audit and review the safety, procurement, management, and financial compliance of a recipient of amounts under this title.

(c) **PROCEDURES FOR GRANT AWARD.**—The Secretary shall, within 90 days after the date of enactment of this Act, prescribe procedures and schedules for the awarding of grants under this title, including application and qualification procedures (including a requirement that the applicant have a security plan), and a record of decision on applicant eligibility. The procedures shall include the execution of a grant agreement between the grant recipient and the Secretary and shall be consistent, to the extent practicable, with

the grant procedures established under section 70107 of title 46, United States Code.

#### **SEC. —208. AMTRAK PLAN TO ASSIST FAMILIES OF PASSENGERS INVOLVED IN RAIL PASSENGER ACCIDENTS.**

(a) **IN GENERAL.**—Chapter 243 of title 49, United States Code, is amended by adding at the end the following:

##### **“§ 24316. Plans to address needs of families of passengers involved in rail passenger accidents**

“(a) **SUBMISSION OF PLAN.**—Not later than 6 months after the date of the enactment of the Rail Security Act of 2006, Amtrak shall submit to the Chairman of the National Transportation Safety Board, the Secretary of Transportation, and the Secretary of Homeland Security a plan for addressing the needs of the families of passengers involved in any rail passenger accident involving an Amtrak intercity train and resulting in a loss of life.

“(b) **CONTENTS OF PLANS.**—The plan to be submitted by Amtrak under subsection (a) shall include, at a minimum, the following:

“(1) A process by which Amtrak will maintain and provide to the National Transportation Safety Board and the Secretary of Transportation, immediately upon request, a list (which is based on the best available information at the time of the request) of the names of the passengers aboard the train (whether or not such names have been verified), and will periodically update the list. The plan shall include a procedure, with respect to unreserved trains and passengers not holding reservations on other trains, for Amtrak to use reasonable efforts to ascertain the number and names of passengers aboard a train involved in an accident.

“(2) A plan for creating and publicizing a reliable, toll-free telephone number within 4 hours after such an accident occurs, and for providing staff, to handle calls from the families of the passengers.

“(3) A process for notifying the families of the passengers, before providing any public notice of the names of the passengers, by suitably trained individuals.

“(4) A process for providing the notice described in paragraph (2) to the family of a passenger as soon as Amtrak has verified that the passenger was aboard the train (whether or not the names of all of the passengers have been verified).

“(5) A process by which the family of each passenger will be consulted about the disposition of all remains and personal effects of the passenger within Amtrak’s control; that any possession of the passenger within Amtrak’s control will be returned to the family unless the possession is needed for the accident investigation or any criminal investigation; and that any unclaimed possession of a passenger within Amtrak’s control will be retained by the rail passenger carrier for at least 18 months.

“(6) A process by which the treatment of the families of nonrevenue passengers will be the same as the treatment of the families of revenue passengers.

“(7) An assurance that Amtrak will provide adequate training to its employees and agents to meet the needs of survivors and family members following an accident.

“(c) **USE OF INFORMATION.**—The National Transportation Safety Board, the Secretary of Transportation, and Amtrak may not release any personal information on a list obtained under subsection (b)(1) but may provide information on the list about a passenger to the family of the passenger to the extent that the Board or Amtrak considers appropriate.

“(d) **LIMITATION ON LIABILITY.**—Amtrak shall not be liable for damages in any action brought in a Federal or State court arising

out of the performance of Amtrak in preparing or providing a passenger list, or in providing information concerning a train reservation, pursuant to a plan submitted by Amtrak under subsection (b), unless such liability was caused by Amtrak's conduct.

“(e) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this section may be construed as limiting the actions that Amtrak may take, or the obligations that Amtrak may have, in providing assistance to the families of passengers involved in a rail passenger accident.

“(f) FUNDING.—Out of funds appropriated pursuant to section —217(b) of the Rail Security Act of 2006, there shall be made available to the Secretary of Transportation for the use of Amtrak \$500,000 for fiscal year 2007 to carry out this section. Amounts made available pursuant to this subsection shall remain available until expended.”.

(b) CONFORMING AMENDMENT.—The chapter analysis for chapter 243 of title 49, United States Code, is amended by adding at the end the following:

“24316. Plan to assist families of passengers involved in rail passenger accidents.”.

**SEC. —209. NORTHERN BORDER RAIL PASSENGER REPORT.**

Within 180 days after the date of enactment of this Act, the Secretary of Homeland Security, in consultation with the Assistant Secretary of Homeland Security (Transportation Security Administration), the Secretary of Transportation, heads of other appropriate Federal departments, and agencies and the National Railroad Passenger Corporation, shall transmit a report to the Senate Committee on Commerce, Science, and Transportation, the House of Representatives Committee on Transportation and Infrastructure, and the House of Representatives Committee on Homeland Security that contains—

(1) a description of the current system for screening passengers and baggage on passenger rail service between the United States and Canada;

(2) an assessment of the current program to provide preclearance of airline passengers between the United States and Canada as outlined in “The Agreement on Air Transport Preclearance between the Government of Canada and the Government of the United States of America”, dated January 18, 2001;

(3) an assessment of the current program to provide preclearance of freight railroad traffic between the United States and Canada as outlined in the “Declaration of Principle for the Improved Security of Rail Shipments by Canadian National Railway and Canadian Pacific Railway from Canada to the United States”, dated April 2, 2003;

(4) information on progress by the Department of Homeland Security and other Federal agencies towards finalizing a bilateral protocol with Canada that would provide for preclearance of passengers on trains operating between the United States and Canada;

(5) a description of legislative, regulatory, budgetary, or policy barriers within the United States Government to providing pre-screened passenger lists for rail passengers traveling between the United States and Canada to the Department of Homeland Security;

(6) a description of the position of the Government of Canada and relevant Canadian agencies with respect to preclearance of such passengers;

(7) a draft of any changes in existing Federal law necessary to provide for pre-screening of such passengers and providing pre-screened passenger lists to the Department of Homeland Security; and

(8) an analysis of the feasibility of reinstating in-transit inspections onboard international Amtrak trains.

**SEC. —210. RAIL WORKER SECURITY TRAINING PROGRAM.**

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary of Homeland Security and the Secretary of Transportation, in consultation with appropriate law enforcement, security, and terrorism experts, representatives of railroad carriers, and nonprofit employee organizations that represent rail workers, shall develop and issue detailed guidance for a rail worker security training program to prepare front-line workers for potential threat conditions. The guidance shall take into consideration any current security training requirements or best practices.

(b) PROGRAM ELEMENTS.—The guidance developed under subsection (a) shall include elements, as appropriate to passenger and freight rail service, that address the following:

(1) Determination of the seriousness of any occurrence.

(2) Crew communication and coordination.

(3) Appropriate responses to defend or protect oneself.

(4) Use of protective devices.

(5) Evacuation procedures.

(6) Psychology of terrorists to cope with hijacker behavior and passenger responses.

(7) Situational training exercises regarding various threat conditions.

(8) Any other subject the Secretary considers appropriate.

(c) RAILROAD CARRIER PROGRAMS.—Not later than 90 days after the Secretary of Homeland Security issues guidance under subsection (a) in final form, each railroad carrier shall develop a rail worker security training program in accordance with that guidance and submit it to the Secretary for review. Not later than 30 days after receiving a railroad carrier's program under this subsection, the Secretary shall review the program and transmit comments to the railroad carrier concerning any revisions the Secretary considers necessary for the program to meet the guidance requirements. A railroad carrier shall respond to the Secretary's comments within 30 days after receiving them.

(d) TRAINING.—Not later than 1 year after the Secretary reviews the training program developed by a railroad carrier under this section, the railroad carrier shall complete the training of all front-line workers in accordance with that program. The Secretary shall review implementation of the training program of a representative sample of railroad carriers and report to the Senate Committee on Commerce, Science, and Transportation, the House of Representatives Committee on Transportation and Infrastructure, and the House of Representatives Committee on Homeland Security on the number of reviews conducted and the results. The Secretary may submit the report in both classified and redacted formats as necessary.

(e) UPDATES.—The Secretary shall update the training guidance issued under subsection (a) as appropriate to reflect new or different security threats. Railroad carriers shall revise their programs accordingly and provide additional training to their front-line workers within a reasonable time after the guidance is updated.

(f) FRONT-LINE WORKERS DEFINED.—In this section, the term “front-line workers” means security personnel, dispatchers, train operators, other onboard employees, maintenance and maintenance support personnel, bridge tenders, as well as other appropriate employees of railroad carriers, as defined by the Secretary.

(g) OTHER EMPLOYEES.—The Secretary of Homeland Security shall issue guidance and

best practices for a rail shipper employee security program containing the elements listed under subsection (b) as appropriate.

**SEC. —211. WHISTLEBLOWER PROTECTION PROGRAM.**

(a) IN GENERAL.—Subchapter A of chapter 201 of title 49, United States Code, is amended by inserting after section 20117 the following:

**“§ 20118. Whistleblower protection for rail security matters**

“(a) DISCRIMINATION AGAINST EMPLOYEE.—No rail carrier engaged in interstate or foreign commerce may discharge a railroad employee or otherwise discriminate against a railroad employee because the employee (or any person acting pursuant to a request of the employee)—

“(1) provided, caused to be provided, or is about to provide or cause to be provided, to the employer or the Federal Government information relating to a reasonably perceived threat, in good faith, to security; or

“(2) provided, caused to be provided, or is about to provide or cause to be provided, testimony before Congress or at any Federal or State proceeding regarding a reasonably perceived threat, in good faith, to security; or

“(3) refused to violate or assist in the violation of any law, rule or regulation related to rail security.

“(b) DISPUTE RESOLUTION.—A dispute, grievance, or claim arising under this section is subject to resolution under section 3 of the Railway Labor Act (45 U.S.C. 153). In a proceeding by the National Railroad Adjustment Board, a division or delegate of the Board, or another board of adjustment established under section 3 to resolve the dispute, grievance, or claim the proceeding shall be expedited and the dispute, grievance, or claim shall be resolved not later than 180 days after it is filed. If the violation is a form of discrimination that does not involve discharge, suspension, or another action affecting pay, and no other remedy is available under this subsection, the Board, division, delegate, or other board of adjustment may award the employee reasonable damages, including punitive damages, of not more than \$20,000.

“(c) PROCEDURAL REQUIREMENTS.—Except as provided in subsection (b), the procedure set forth in section 42121(b)(2)(B) of this title, including the burdens of proof, applies to any complaint brought under this section.

“(d) ELECTION OF REMEDIES.—An employee of a railroad carrier may not seek protection under both this section and another provision of law for the same allegedly unlawful act of the carrier.

“(e) DISCLOSURE OF IDENTITY.—

“(1) Except as provided in paragraph (2) of this subsection, or with the written consent of the employee, the Secretary of Transportation may not disclose the name of an employee of a railroad carrier who has provided information about an alleged violation of this section.

“(2) The Secretary shall disclose to the Attorney General the name of an employee described in paragraph (1) of this subsection if the matter is referred to the Attorney General for enforcement.”.

(b) CONFORMING AMENDMENT.—The chapter analysis for chapter 201 of title 49, United States Code, is amended by inserting after the item relating to section 20117 the following:

“20118. Whistleblower protection for rail security matters.”.

**SEC. —212. HIGH HAZARD MATERIAL SECURITY THREAT MITIGATION PLANS.**

(a) IN GENERAL.—The Secretary of Homeland Security, in consultation with the Assistant Secretary of Homeland Security (Transportation Security Administration)

and the Secretary of Transportation, shall require rail carriers transporting a high hazard material, as defined in section —205(g) of this title and of a quantity equal or exceeding the quantities of such material listed in subpart 172.800, title 49, Federal Code of Regulations, to develop a high hazard material security threat mitigation plan containing appropriate measures, including alternative routing and temporary shipment suspension options, to address assessed risks to high consequence targets. The plan, and any information submitted to the Secretary under this section shall be protected as sensitive security information under the regulations prescribed under section 114(s) of title 49, United States Code.

(b) IMPLEMENTATION.—A high hazard material security threat mitigation plan shall be put into effect by a rail carrier for the shipment of high hazardous materials by rail on the rail carrier's right-of-way when the threat levels of the Homeland Security Advisory System are high or severe and specific intelligence of probable or imminent threat exists towards—

(1) a high-consequence target that is within the catastrophic impact zone of a railroad right-of-way used to transport high hazardous material; or

(2) rail infrastructure or operations within the immediate vicinity of a high-consequence target.

(c) COMPLETION AND REVIEW OF PLANS.—

(1) PLANS REQUIRED.—Each rail carrier shall—

(A) submit a list of routes used to transport high hazard materials to the Secretary of Homeland Security within 60 days after the date of enactment of this Act;

(B) develop and submit a high hazard material security threat mitigation plan to the Secretary within 180 days after it receives the notice of high consequence targets on such routes by the Secretary; and

(C) submit any subsequent revisions to the plan to the Secretary within 30 days after making the revisions.

(2) REVIEW AND UPDATES.—The Secretary, with assistance of the Secretary of Transportation, shall review the plans and transmit comments to the railroad carrier concerning any revisions the Secretary considers necessary. A railroad carrier shall respond to the Secretary's comments within 30 days after receiving them. Each rail carrier shall update and resubmit its plan for review not less than every 2 years.

(d) DEFINITIONS.—In this section:

(1) The term “high-consequence target” means a building, buildings, infrastructure, public space, or natural resource designated by the Secretary of Homeland Security that is viable terrorist target of national significance, the attack of which could result in—

(A) catastrophic loss of life; and

(B) significantly damaged national security and defense capabilities; or

(C) national economic harm.

(2) The term “catastrophic impact zone” means the area immediately adjacent to, under, or above an active railroad right-of-way used to ship high hazard materials in which the potential release or explosion of the high hazard material being transported would likely cause—

(A) loss of life; or

(B) significant damage to property or structures.

(3) The term “rail carrier” has the meaning given that term by section 10102(5) of title 49, United States Code.

#### SEC. —213. MEMORANDUM OF AGREEMENT.

(a) MEMORANDUM OF AGREEMENT.—Similar to the public transportation security annex between the two departments signed on September 8, 2005, within 1 year after the date of

enactment of this Act, the Secretary of Transportation and the Secretary of Homeland Security shall execute and develop an annex to the memorandum of agreement between the two departments signed on September 28, 2004, governing the specific roles, delineations of responsibilities, resources and commitments of the Department of Transportation and the Department of Homeland Security, respectively, in addressing railroad transportation security matters, including the processes the departments will follow to promote communications, efficiency, and nonduplication of effort.

(b) RAIL SAFETY REGULATIONS.—Section 20103(a) of title 49, United States Code, is amended by striking “safety” the first place it appears, and inserting “safety, including security”.

#### SEC. —214. RAIL SECURITY ENHANCEMENTS.

(a) RAIL POLICE OFFICERS.—Section 28101 of title 49, United States Code, is amended—

(1) by inserting “(a) IN GENERAL.—” before “Under”; and

(2) by striking “the rail carrier” each place it appears and inserting “any rail carrier”.

(b) REVIEW OF RAIL REGULATIONS.—Within 1 year after the date of enactment of this Act, the Secretary of Transportation, in consultation with the Secretary of Homeland Security and the Assistant Secretary of Homeland Security (Transportation Security Administration), shall review existing rail regulations of the Department of Transportation for the purpose of identifying areas in which those regulations need to be revised to improve rail security.

#### SEC. —215. PUBLIC AWARENESS.

Not later than 90 days after the date of enactment of this Act, the Secretary of Homeland Security, in consultation with the Secretary of Transportation, shall develop a national plan for public outreach and awareness. Such plan shall be designed to increase awareness of measures that the general public, railroad passengers, and railroad employees can take to increase railroad system security. Such plan shall also provide outreach to railroad carriers and their employees to improve their awareness of available technologies, ongoing research and development efforts, and available Federal funding sources to improve railroad security. Not later than 9 months after the date of enactment of this Act, the Secretary of Homeland Security shall implement the plan developed under this section.

#### SEC. —216. RAILROAD HIGH HAZARD MATERIAL TRACKING.

(a) WIRELESS COMMUNICATIONS.—

(1) IN GENERAL.—In conjunction with the research and development program established under section —206 and consistent with the results of research relating to wireless tracking technologies, the Secretary of Homeland Security, in consultation with the Assistant Secretary of Homeland Security (Transportation Security Administration), shall develop a program that will encourage the equipping of rail cars transporting high hazard materials (as defined in section —205(g) of this title) in quantities equal to or greater than the quantities specified in subpart 171.800 of title 49, Code of Federal Regulations, with wireless terrestrial or satellite communications technology that provides—

(A) car position location and tracking capabilities;

(B) notification of rail car depressurization, breach, or unsafe temperature; and

(C) notification of hazardous material release.

(2) COORDINATION.—In developing the program required by paragraph (1), the Secretary shall—

(A) consult with the Secretary of Transportation to coordinate the program with

any ongoing or planned efforts for rail car tracking at the Department of Transportation; and

(B) ensure that the program is consistent with recommendations and findings of the Department of Homeland Security's hazardous material tank rail car tracking pilot programs.

(b) FUNDING.—Out of funds appropriated pursuant to section 114(u) of title 49, United States Code, there shall be made available to the Secretary of Homeland Security to carry out this section \$3,000,000 for each of fiscal years 2007, 2008, and 2009.

#### SEC. —217. AUTHORIZATION OF APPROPRIATIONS.

(a) TRANSPORTATION SECURITY ADMINISTRATION AUTHORIZATION.—Section 114 of title 49, United States Code, is amended by adding at the end thereof the following:

“(u) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Homeland Security, (Transportation Security Administration) for rail security—

“(1) \$206,500,000 for fiscal year 2007;

“(2) \$168,000,000 for fiscal year 2008; and

“(3) \$168,000,000 for fiscal year 2009.”.

(b) DEPARTMENT OF TRANSPORTATION.—There are authorized to be appropriated to the Secretary of Transportation to carry out this title and sections 20118 and 24316 of title 49, United States Code, as added by this title—

(1) \$225,000,000 for fiscal year 2007;

(2) \$223,000,000 for fiscal year 2008; and

(3) \$223,000,000 for fiscal year 2009.

#### TITLE —IMPROVED MARITIME SECURITY

#### SEC. —301. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This title may be cited as the “Maritime and Transportation Security Act of 2006.”

(b) TABLE OF CONTENTS.—The table of contents for this title is as follows:

TITLE	—IMPROVED MARITIME SECURITY
Sec. —301.	Short title; table of contents.
Sec. —302.	Establishment of additional interagency operational centers for port security.
Sec. —303.	Area maritime transportation security plan to include salvage response plan.
Sec. —304.	Assistance for foreign ports.
Sec. —305.	Specific port security initiatives.
Sec. —306.	Technical requirements for non-intrusive inspection equipment.
Sec. —307.	Random inspection of containers.
Sec. —308.	Port security user fee study.
Sec. —309.	Port security grants.
Sec. —310.	Work stoppages and employee-employer disputes.
Sec. —311.	Inspection of car ferries entering from Canada.

#### SEC. —302. ESTABLISHMENT OF ADDITIONAL INTERAGENCY OPERATIONAL CENTERS FOR PORT SECURITY.

(a) IN GENERAL.—In order to improve interagency cooperation, unity of command, and the sharing of intelligence information in a common mission to provide greater protection for port and intermodal transportation systems against acts of terrorism, the Secretary of Homeland Security, acting through the Commandant of the Coast Guard, shall establish interagency operational centers for port security at all high priority ports.

(b) CHARACTERISTICS.—The interagency operational centers shall—

(1) be based on the most appropriate compositional and operational characteristics of the pilot project interagency operational centers for port security in Miami,

Florida, Norfolk/Hampton Roads, Virginia, Charleston, South Carolina, and San Diego, California, and the virtual operation center at the port of New York/New Jersey;

(2) be adapted to meet the security needs, requirements, and resources of the individual port area at which each is operating;

(3) provide for participation by—

(A) representatives of the United States Customs and Border Protection, Immigration and Customs Enforcement, the Transportation Security Administration, the Department of Defense, and other Federal agencies, as determined to be appropriate by the Secretary of Homeland Security;

(B) representatives of State and local law enforcement or port security agencies and personnel; and

(C) members of the area maritime security committee, as deemed appropriate by the captain of the port;

(4) be incorporated in the implementation of—

(A) maritime transportation security plans developed under section 70103 of title 46, United States Code;

(B) maritime intelligence activities under section 70113 of that title;

(C) short and long range vessel tracking under sections 70114 and 70115 of that title;

(D) secure transportation systems under section 70119 of that title;

(E) the United States Customs and Border Protection's screening and high-risk cargo inspection programs; and

(F) the transportation security incident response plans required by section 70104 of that title.

(c) 2005 ACT REPORT REQUIREMENT.—Nothing in this section relieves the Commandant of the Coast Guard from compliance with the requirements of section 807 of the Coast Guard and Maritime Transportation Act of 2004. The Commandant shall utilize the information developed in making the report required by that section in carrying out the requirements of this section.

(d) BUDGET AND COST-SHARING ANALYSIS.—Within 180 days after the date of enactment of this Act, the Secretary shall transmit to the Senate Committee on Commerce, Science, and Transportation, the House of Representatives Committee on Transportation and Infrastructure, and the House of Representatives Committee on Homeland Security a proposed budget analysis for implementing subsection (a), including cost-sharing arrangements with other Federal departments and agencies involved in the inter-agency operation of the centers.

(e) SECURITY CLEARANCE ASSISTANCE.—The Secretary of the department in which the Coast Guard is operating may assist non-Federal personnel described in subsection (b)(3)(B) or (C) in obtaining expedited appropriate security clearances and in and maintaining their security clearances.

(f) SECURITY INCIDENTS.—During a transportation security incident (as defined in section 70101(6) of title 46, United States Code) involving a port, the Coast Guard Captain of the Port designated by the Commandant of the Coast Guard in each joint operations center for maritime security shall act as the incident commander, unless otherwise directed under the National Maritime Transportation Security Plan established under section 70103 of title 46, United States Code.

#### SEC. —303. AREA MARITIME TRANSPORTATION SECURITY PLAN TO INCLUDE SALVAGE RESPONSE PLAN.

Section 70103(b)(2) of title 46, United States Code, is amended—

(1) by redesignating subparagraphs (E) and (F) as subparagraphs (F) and (G), respectively; and

(2) by inserting after subparagraph (D) the following:

“(E) include a salvage response plan—

“(i) to identify salvage equipment capable of restoring operational trade capacity; and

“(ii) to ensure that the flow of cargo through United States ports is re-established as efficiently and quickly as possible after a transportation security incident.”.

#### SEC. —304. ASSISTANCE FOR FOREIGN PORTS.

(a) IN GENERAL.—Section 70109 of title 46, United States Code, is amended—

(1) by striking the section heading and inserting the following:

“**§ 70109. International cooperation and coordination**”; and

(2) by adding at the end the following:

“(c) FOREIGN ASSISTANCE PROGRAMS.—

“(1) IN GENERAL.—The Secretary, in consultation with the Secretary of Transportation, the Secretary of State, the Secretary of Energy, and the Commandant of the United States Coast Guard, shall identify foreign assistance programs that could facilitate implementation of port security antiterrorism measures in foreign countries. The Secretary shall establish a program to utilize those programs that are capable of implementing port security antiterrorism measures at ports in foreign countries that the Secretary finds, under section 70108, to lack effective antiterrorism measures.

“(2) CARIBBEAN BASIN.—The Secretary, in coordination with the Secretary of State and in consultation with the Organization of American States and the Commandant of the United States Coast Guard, shall place particular emphasis on utilizing programs to facilitate the implementation of port security antiterrorism measures at the ports located in the Caribbean Basin, as such ports pose unique security and safety threats to the United States due to—

“(A) the strategic location of such ports between South America and United States;

“(B) the relative openness of such ports; and

“(C) the significant number of shipments of narcotics to the United States that are moved through such ports.

“(d) INTERNATIONAL CARGO SECURITY STANDARDS.—The Secretary, in consultation with the Secretary of State, shall enter into negotiations with foreign governments and international organizations, including the International Maritime Organization, the World Customs Organization, and the International Standards Organization, as appropriate—

“(1) to promote standards for the security of containers and other cargo moving within the international supply chain;

“(2) to encourage compliance with minimum technical requirements for the capabilities of nonintrusive inspection equipment, including imaging and radiation detection devices, established under section — of the Maritime and Transportation Security Act of 2006 Act;

“(3) to implement the requirements of the container security initiative under section 70117; and

“(4) to implement standards and procedures established under section 70119.”.

(b) REPORT ON SECURITY AT PORTS IN THE CARIBBEAN BASIN.—Not later than 180 days after the date of enactment of this Act, the Comptroller General shall submit to the Senate Committee on Commerce, Science, and Transportation, the House of Representatives Committee on Transportation and Infrastructure, and the House of Representatives Committee on Homeland Security a report on the security of ports in the Caribbean Basin. The report—

(1) shall include—

(A) an assessment of the effectiveness of the measures employed to improve security at ports in the Caribbean Basin and rec-

ommendations for any additional measures to improve such security;

(B) an estimate of the number of ports in the Caribbean Basin that will not be secured by January 1, 2007, and an estimate of the financial impact in the United States of any action taken pursuant to section 70110 of title 46, United States Code, that affects trade between such ports and the United States; and

(C) an assessment of the additional resources and program changes that are necessary to maximize security at ports in the Caribbean Basin; and

(2) may be submitted in both classified and redacted formats.

(c) CONFORMING AMENDMENT.—The chapter analysis for chapter 701 of title 46, United States Code, is amended by striking the item relating to section 70901 and inserting the following:

“70901. International cooperation and coordination”.

#### SEC. —305. SPECIFIC PORT SECURITY INITIATIVES.

(a) IN GENERAL.—Chapter 701 of title 46, United States Code, is amended—

(1) by redesignating the second section 70118 (relating to withholding of clearance), as added by section 802(a)(2) of the Coast Guard and Maritime Transportation Act of 2004, as section 70119;

(2) by redesignating the first section 70119 (relating to enforcement by State and local officers), as added by section 801(a) of the Coast Guard and Maritime Transportation Act of 2004, as section 70120;

(3) by redesignating the second section 70119 (relating to civil penalty), as redesignated by section 802(a)(1) of the Coast Guard and Maritime Transportation Act of 2004, as section 70122;

(4) by striking section 70116;

(5) by redesignating sections 70117 through 70122 (as redesignated) as sections 70120 through 70126; and

(6) by inserting after section 70115 the following:

#### “§ 70116. Automated targeting system

“(a) IN GENERAL.—The Secretary shall develop and maintain an antiterrorism cargo identification and screening system for containerized cargo shipped to the United States either directly or via a foreign port to assess imports and target those imports which pose a high risk of containing contraband.

“(b) 24-HOUR ADVANCE NOTIFICATION.—In order to provide the best possible data for the automated targeting system, the Secretary shall require importers shipping goods to the United States via cargo container to supply advanced trade data not later than 24 hours before loading a container under the advance notification requirements under section 484(a)(2) of the Tariff Act of 1930 (19 U.S.C. 1484(a)(2)). The requirement shall apply to goods entered after July 1, 2007.

“(c) SECURE TRANSMISSION; CONFIDENTIALITY.—All information required by the Secretary from supply chain partners under this section shall—

“(1) be transmitted in a secure fashion, as determined by the Secretary, so as to protect the information from unauthorized access; and

“(2) shall not be subject to public disclosure under section 552 of title 5.

“(c) AUTHORIZATION OF APPROPRIATIONS.—

“(1) There are authorized to be appropriated to the Secretary of Homeland Security to carry out the automated targeting system program to identify high-risk oceanborne container cargo for inspection—

“(A) \$30,700,000 for fiscal year 2007;

“(B) \$33,200,000 for fiscal year 2008; and

“(C) \$35,700,000 for fiscal year 2009.

“(2) The amounts authorized by this subsection shall be in addition to any other

amounts authorized to be appropriated to carry out that program.

#### “§ 70117. Container security initiative

“(a) IN GENERAL.—The Secretary shall issue regulations to—

“(1) evaluate and screen cargo documents prior to loading in a foreign port for shipment to the United States, either directly or via a foreign port; and

“(2) inspect high-risk cargo in a foreign port intended for shipment to the United States by physical examination or nonintrusive examination by technological means.

“(b) IMPLEMENTATION.—The Commissioner of Customs and Border Protection shall execute inspection and screening protocols with authorities in foreign ports to ensure that the standards and procedures promulgated under subsection (a) are implemented in an effective manner.

“(c) APPLICATION OF CONTAINER SECURITY INITIATIVE TO OTHER PORTS.—

“(1) IN GENERAL.—The Secretary, through the Commissioner of Customs and Border Protection, may designate foreign seaports under this section if, with respect to any such seaport, the Secretary determines that—

“(A) the seaport—

“(i) presents a significant level of risk;

“(ii) is a significant port or origin or transshipment, in terms of volume or value, for cargo being imported to the United States; and

“(iii) is potentially capable of validating a secure system of transportation pursuant to section 70119; and

“(B) the Department of State and representatives of the country with jurisdiction over the port have completed negotiations to ensure compliance with the requirements of the container security initiative.

“(2) COORDINATION WITH INTERNATIONAL CARGO SECURITY STANDARDS.—In carrying out paragraph (a), the Secretary shall—

“(A) consult with the Secretary of State concerning progress under section 70109(d); and

“(B) coordinate activities under paragraph (1) with activities conducted under that section.

“(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary to carry out this section—

“(1) \$142,000,000 for fiscal year 2007;

“(2) \$144,000,000 for fiscal year 2008; and

“(3) \$146,000,000 for fiscal year 2009.

#### “§ 70118. Customs-Trade Partnership Against Terrorism validation program

“(a) IN GENERAL.—The Secretary shall establish a voluntary program to strengthen and improve the overall security of the international supply chain and United States border security.

“(b) VALIDATION; RECORDS MANAGEMENT.—The Secretary shall issue regulations—

“(1) to strengthen the validation process to verify that security programs of members of the Customs-Trade Partnership Against Terrorism have been implemented and that the program benefits should continue by providing appropriate guidance to specialists conducting such validations, including establishing what level of review is adequate to determine whether member security practices are reliable, accurate, and effective; and

“(2) to implement a records management system that documents key decisions and significant operational events accurately and in a timely manner, including a reliable system for—

“(A) documenting and maintaining records of all decisions in the application through validation processes, including documentation of the objectives, scope, methodologies, and limitations of validations; and

“(B) tracking member status.

“(b) HUMAN CAPITAL PLAN.—Within 6 months after the date of enactment of the Transportation Security Improvement Act of 2005, the Secretary shall complete a human capital plan, that clearly describes how the Customs-Trade Partnership Against Terrorism program will recruit, train, and retain sufficient staff to conduct the work of the program successfully, including reviewing security profiles, vetting, and conducting validations to mitigate program risk.

“(c) REVALIDATION.—The Secretary shall establish a process for revalidating C-TPAT participants. Such revalidation shall occur not less frequently than once during every 3-year period following validation.

“(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary to carry out this section not to exceed—

“(1) \$60,000,000 for fiscal year 2007;

“(2) \$65,000,000 for fiscal year 2008; and

“(3) \$72,000,000 for fiscal year 2009.

#### “§ 70119. Secure systems of transportation

“(a) IN GENERAL.—The Secretary shall establish a program, to be known as the ‘GreenLane program’, to evaluate and certify secure systems of international intermodal transportation—

“(1) to ensure the security and integrity of shipments of goods to the United States from the point at which such goods are initially packed or loaded into a cargo container for international shipment until they reach their ultimate destination; and

“(2) to facilitate the movement of such goods through the entire supply chain through an expedited security and clearance program.

“(b) PROGRAM ELEMENTS.—In establishing and conducting the program under subsection (a) the Secretary, acting through the Commissioner of Customs and Border Protection, shall—

“(1) establish standards and procedures for verifying, at the point at which goods are placed in a cargo container for shipping, that the container is free of unauthorized hazardous chemical, biological, or nuclear material and for securely sealing such containers after the contents are so verified;

“(2) ensure that cargo is loaded at a port designated under section 70117 for shipment to the United States;

“(3) develop performance standards to enhance the physical security of shipping containers, including performance standards for container security devices;

“(4) establish standards and procedures for securing cargo and monitoring that security while in transit;

“(5) ensure that cargo complies with additional security criteria established by the Secretary beyond the minimum requirements for C-TPAT participation under section 70118, particularly in the area of access controls;

“(6) establish standards and procedures for allowing the United States Government to ensure and validate compliance with this program; and

“(7) incorporate any other measures the Secretary considers necessary to ensure the security and integrity of international intermodal transport movements.

“(c) BENEFITS FROM PARTICIPATION.—

“(1) ELIGIBILITY.—The Commissioner of Customs and Border Protection may by regulation provide for expedited clearance of cargo for an entity that—

“(A) meets or exceeds the standards established under subsection (b); and

“(B) certifies the security of its supply chain not less often than once every 2 years to the Secretary.

“(2) BENEFITS.—The expedited clearance provided under paragraph (1) to any eligible entity may include—

“(A) the expedited release of GreenLane cargo into destination ports within the United States during all threat levels designated by the Secretary or the Commandant of the Coast Guard;

“(B) reduced or eliminated bonding requirements for GreenLane cargo;

“(C) priority processing for searches;

“(D) further reduced scores in the automated targeting system; and

“(E) streamlined billing of any customs duties or fees.

“(d) CONSEQUENCES OF LACK OF COMPLIANCE.—

“(1) IN GENERAL.—Any participant whose security measures and supply chain security practices have been determined by the Secretary to be out of compliance with any requirements of the program shall be denied benefits under the program.

“(2) RIGHT OF APPEAL.—Any participant determined by the Secretary under paragraph (1) not to be in compliance with the requirements of the program may appeal that determination to the Secretary.”

(b) CONFORMING AMENDMENTS.—

(1) The chapter analysis for chapter 701 of title 46, United States Code, is amended by striking the items following the item relating to section 70116 and inserting the following:

“70116. Automated targeting system

“70117. Container security initiative

“70118. Customs-Trade Partnership Against Terrorism validation program

“70119. Secure systems of transportation

“70120. In rem liability for civil penalties and certain costs

“70121. Firearms, arrests, and seizure of property

“70122. Withholding of clearance

“70123. Enforcement by State and local officers

“70124. Container security initiative

“70125. Civil penalty”.

(2) Section 70117(a) of title 46, United States Code, is amended by striking “section 70120” and inserting “section 70125”.

(3) Section 70119(a) of such title, as redesignated by subsection (a)(1) of this section, is amended—

(A) by striking “under section 70119,” and inserting “under section 70125,”; and

(B) by striking “under section 70120,” and inserting “under that section.”.

#### SEC. —306. TECHNICAL REQUIREMENTS FOR NON-INTRUSIVE INSPECTION EQUIPMENT.

(a) IN GENERAL.—Within 180 days after the date of enactment of this Act, the Domestic Nuclear Detection Office, in consultation with the National Institute of Science and Technology and the U.S. Customs and Border Protection, shall initiate a rulemaking—

(1) to establish minimum technical requirements for the capabilities of non-intrusive inspection equipment for cargo, including imaging and radiation devices; and

(2) to ensure that all equipment used can detect risks and threats as determined appropriate by the Secretary.

(b) ENDORSEMENTS; SOVEREIGNTY CONFLICTS.—In establishing such requirements, the Domestic Nuclear Detection Office shall be careful to avoid the endorsement of products associated with specific companies and the creation of sovereignty conflicts with participating countries.

(c) RADIATION SAFETY.—Not later than 90 days after the date of enactment of this Act, the Secretary of Homeland Security shall submit a plan to the Senate Committee on Commerce, Science, and Transportation,

Senate Committee on Homeland Security and Governmental Affairs, the Senate Committee on Appropriations, the House of Representatives Committee on Homeland Security, and the House of Representatives Committee on Appropriations that—

(1) details the health and safety impacts of nonintrusive inspection technology; and

(2) describes the policy of the Bureau of Customs and Border Protection for using nonintrusive inspection equipment.

(d) **FINAL RULE DEADLINE.**—The Domestic Nuclear Detection Office shall issue a final rule under subsection (a) within 1 year after the rulemaking proceeding is initiated.

**SEC. —307. RANDOM INSPECTION OF CONTAINERS.**

Within 1 year after the date of enactment of this Act, the Commissioner of Customs and Border Protection shall develop and implement a plan, utilizing best practices for empirical scientific research design and random sampling standards for random physical inspection of shipping containers in addition to any targeted or pre-shipment inspection of such containers required by law or regulation or conducted under any other program conducted by the Commissioner. Nothing in this section shall be construed to mean that implementation of the random sampling plan would preclude the additional physical inspection of shipping containers not inspected pursuant to the plan.

**SEC. —308. PORT SECURITY USER FEE STUDY.**

The Secretary of Homeland Security shall conduct a study of the need for, and feasibility of, establishing a system of oceanborne and port-related intermodal transportation user fees that could be imposed and collected as a dedicated revenue source, on a temporary or continuing basis, to provide necessary funding for the improvement and maintenance of enhanced port security. Within 1 year after date of enactment of this Act, the Secretary shall submit a report to the Senate Committee on Commerce, Science, and Transportation, the House of Representatives Committee on Transportation and Infrastructure, and the House of Representatives Committee on Homeland Security that—

(1) contains the Secretary's findings, conclusions, and recommendations (including legislative recommendations if appropriate); and

(2) includes an assessment of the annual amount of customs fees and duties collected through oceanborne and port-related transportation and the amount and percentage of such fees and duties that are dedicated to improve and maintain security.

**SEC. —309. PORT SECURITY GRANTS.**

(a) **BASIS FOR GRANTS.**—Section 70107(a) of title 46, United States Code, is amended by striking “for making a fair and equitable allocation of funds” and inserting “based on risk and vulnerability”.

(b) **ELIGIBLE COSTS.**—Section 70107(b) of title 46, United States Code, is amended by striking paragraph (1) and redesignating paragraphs (2) through (4) as paragraphs (1) through (3), respectively.

(c) **LETTERS OF INTENT.**—Section 70107(e) of title 46, United States Code, is amended by adding at the end the following:

“(5) **LETTERS OF INTENT.**—The Secretary may execute letters of intent to commit funding to port sponsors from the Fund.”.

(d) **OPERATION SAFE COMMERCE.**—Section 70107(i) of title 46, United States Code, is amended—

(1) by redesignating paragraphs (4) and (5) as paragraphs (5) and (6); and

(2) by inserting after paragraph (3) the following:

“(4) **OPERATION SAFE COMMERCE.**—

“(A) **IN GENERAL.**—Not later than 1 year after the date of enactment of the [To be

supplied] Act, the Secretary shall initiate grant projects that—

“(i) integrate nonintrusive inspection and radiation detection equipment with automatic identification methods for containers, vessels, and vehicles;

“(ii) test physical access control protocols and technologies;

“(iii) create a data sharing network capable of transmitting data required by entities participating in the international supply chain from every intermodal transfer point to the National Targeting Center of the Department; and

“(iv) otherwise further maritime and cargo security, as determined by the Secretary.

“(B) **SUPPLY CHAIN SECURITY FOR SPECIAL CONTAINER AND NONCONTAINERIZED CARGO.**—The Secretary shall consider demonstration projects that further the security of the international supply chain for special container cargo, including refrigerated containers, and noncontainerized cargo, including roll-on/roll-off, break-bulk, liquid, and dry bulk cargo.

“(C) **ANNUAL REPORT.**—Not later than March 1 of each year, the Secretary shall submit a report detailing the results of Operation Safe Commerce to—

“(i) the Senate Committee on Commerce, Science, and Transportation;

“(ii) the Senate Committee on Homeland Security and Governmental Affairs;

“(iii) the House of Representatives Committee on Homeland Security;

“(iv) the Senate Committee on Appropriations; and

“(v) the House of Representatives Committee on Appropriations.”.

(e) **RESEARCH, DEVELOPMENT, TEST, AND EVALUATION.**—The Secretary of Homeland Security shall—

(1) direct research, development, test, and evaluation efforts in furtherance of maritime and cargo security;

(2) encourage the ingenuity of the private sector in developing and testing technologies and process innovations in furtherance of these objectives; and

(3) evaluate such technologies.

(f) **COORDINATION.**—The Secretary of Homeland Security, acting through the Undersecretary for Science and Technology, in consultation with the Assistant Secretary for Policy, the Director of Cargo Security Policy, and the Chief Financial Officer, shall ensure that—

(1) research, development, test, and evaluation efforts funded by the Department in furtherance of maritime and cargo security are coordinated to avoid duplication of efforts; and

(2) the results of such efforts are shared throughout the Department, as appropriate.

**SEC. —310. WORK STOPPAGES AND EMPLOYEE-EMPLOYER DISPUTES.**

Section 70101(6) is amended by inserting after “area.” the following: “In this paragraph, the term ‘economic disruption’ does not include a work stoppage or other non-violent employee-related action resulting from an employee-employer dispute.”.

**SEC. —311. INSPECTION OF CAR FERRIES ENTERING FROM CANADA.**

Within 120 days after the date of enactment of this Act, the Secretary of Homeland Security, acting through the Commissioner of Customs and Border Protection, in coordination with the Secretary of State, and their Canadian counterparts, shall develop a plan for the inspection of passengers and vehicles before such passengers board, or such vehicles are loaded onto, a ferry bound for a United States port.

**SA 3800.** Mr. INOUE (for himself, Mr. STEVENS, Mrs. HUTCHISON, Mr.

ROCKEFELLER, Mrs. BOXER, Mr. LAUTENBERG, Ms. SNOWE, Ms. CANTWELL, Mr. KERRY, Mr. DORGAN, Mr. NELSON of Florida, and Mr. PRYOR) submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

**TITLE —IMPROVED MARITIME SECURITY**

**SEC. —00. SHORT TITLE; TABLE OF CONTENTS..**

(a) **SHORT TITLE.**—This title may be cited as the “Maritime Security Improvement Act of 2006”.

(b) **TABLE OF CONTENTS.**—The table of contents for this title is as follows:

TITLE	—IMPROVED MARITIME SECURITY
Sec. —00.	Short title; table of contents..
Sec. —01.	Establishment of additional inter-agency operational centers for port security.
Sec. —02.	Area maritime transportation security plan to include salvage response plan.
Sec. —03.	Post-incident resumption of trade.
Sec. —04.	Assistance for foreign ports.
Sec. —05.	Improved data for targeted cargo searches.
Sec. —06.	Technical requirements for non-intrusive inspection equipment.
Sec. —07.	Random inspection of containers.
Sec. —08.	Cargo security.
Sec. —09.	Secure systems of international intermodal transportation.
Sec. —10.	Port security user fee study.
Sec. —11.	Deadline for transportation security cards.
Sec. —12.	Port security grants.
Sec. —13.	Customs-Trade Partnership Against Terrorism security validation program.
Sec. —14.	Work stoppages and employee-employer disputes.
Sec. —15.	Appeal of denial of waiver for transportation security card.
Sec. —16.	Inspection of car ferries entering from Canada.

**SEC. —01. ESTABLISHMENT OF ADDITIONAL INTERAGENCY OPERATIONAL CENTERS FOR PORT SECURITY.**

(a) **IN GENERAL.**—In order to improve inter-agency cooperation, unity of command, and the sharing of intelligence information in a common mission to provide greater protection for port and intermodal transportation systems against acts of terrorism, the Secretary of Homeland Security, acting through the Commandant of the Coast Guard, shall establish interagency operational centers for port security at all high priority ports.

(b) **CHARACTERISTICS.**—The interagency operational centers shall—

(1) be based on the most appropriate compositional and operational characteristics of the pilot project interagency operational centers for port security in Miami, Florida, Norfolk/Hampton Roads, Virginia, Charleston, South Carolina, and San Diego, California;

(2) be adapted to meet the security needs, requirements, and resources of the individual port area at which each is operating;

(3) provide for participation by representatives of the United States Customs and Border Protection, the Transportation Security Administration, the Department of Defense, and other Federal agencies, as determined to be appropriate by the Secretary of Homeland Security, and State and local law enforcement or port security agencies and personnel; and

(4) be incorporated in the implementation of—

(A) maritime transportation security plans developed under section 70103 of title 46, United States Code;

(B) maritime intelligence activities under section 70113 of that title;

(C) short and long range vessel tracking under sections 70114 and 70115 of that title;

(D) secure transportation systems under section 70116 of that title;

(E) the United States Customs and Border Protection's screening and high-risk cargo inspection programs; and

(F) the transportation security incident response plans required by section 70104 of that title.

(c) 2005 ACT REPORT REQUIREMENT.—Nothing in this section relieves the Commandant of the Coast Guard from compliance with the requirements of section 807 of the Coast Guard and Maritime Transportation Act of 2004. The Commandant shall utilize the information developed in making the report required by that section in carrying out the requirements of this section.

(d) BUDGET AND COST-SHARING ANALYSIS.—Within 180 days after the date of enactment of this Act, the Secretary shall transmit to the Senate Committee on Commerce, Science, and Transportation, the House of Representatives Committee on Transportation and Infrastructure, and the House of Representatives Committee on Homeland Security a proposed budget analysis for implementing subsection (a), including cost-sharing arrangements with other Federal departments and agencies involved in the inter-agency operation of the centers.

**SEC.—02. AREA MARITIME TRANSPORTATION SECURITY PLAN TO INCLUDE SALVAGE RESPONSE PLAN.**

Section 70103(b)(2) of title 46, United States Code, is amended—

(1) by striking “and” after the semicolon in subparagraph (E);

(2) by redesignating subparagraph (F) as subparagraph (G); and

(3) by inserting after subparagraph (E) the following:

“(F) include a salvage response plan—  
“(i) to identify salvage equipment capable of restoring operational trade capacity; and  
“(ii) to ensure that the flow of cargo through United States ports is re-established as efficiently and quickly as possible after a transportation security incident.”.

**SEC.—03. POST-INCIDENT RESUMPTION OF TRADE.**

Section 70103(a)(2)(J) of title 46, United States Code, is amended by inserting after “incident.” the following: “The plan shall provide, to the extent practicable, preference in the reestablishment of the flow of cargo through United States ports after a transportation security incident to—

“(i) vessels that have a vessel security plan approved under subsection (c);

“(ii) vessels manned by individuals who are described in section 70105(b)(2)(B) and who have undergone a background records check under section 70105(d) or who hold transportation security cards issued under section 70105; and

“(iii) vessels on which all the cargo has undergone screening and inspection under standards and procedures established under section 70116(b)(2) of this title.”.

**SEC.—04. ASSISTANCE FOR FOREIGN PORTS.**

(a) IN GENERAL.—Section 70109 of title 46, United States Code, is amended—

(1) by striking the section heading and inserting the following:

**“§ 70109. International cooperation and coordination”**; and

(2) by adding at the end the following:

“(c) FOREIGN ASSISTANCE PROGRAMS.—

“(1) IN GENERAL.—The Secretary, in consultation with the Secretary of Transpor-

tation, the Secretary of State, the Secretary of Energy, and the Commandant of the United States Coast Guard, shall identify foreign assistance programs that could facilitate implementation of port security antiterrorism measures in foreign countries. The Secretary shall establish a program to utilize those programs that are capable of implementing port security antiterrorism measures at ports in foreign countries that the Secretary finds, under section 70108, to lack effective antiterrorism measures.

“(2) CARIBBEAN BASIN.—The Secretary, in coordination with the Secretary of State and in consultation with the Organization of American States and the Commandant of the United States Coast Guard, shall place particular emphasis on utilizing programs to facilitate the implementation of port security antiterrorism measures at the ports located in the Caribbean Basin, as such ports pose unique security and safety threats to the United States due to—

“(A) the strategic location of such ports between South America and United States;

“(B) the relative openness of such ports; and

“(C) the significant number of shipments of narcotics to the United States that are moved through such ports.

“(d) INTERNATIONAL CARGO SECURITY STANDARDS.—The Secretary of State, in consultation with the Secretary acting through the Commissioner of Customs and Border Protection, shall enter into negotiations with foreign governments and international organizations, including the International Maritime Organization, the World Customs Organization, the International Labor Organization, and the International Standards Organization, as appropriate—

“(1) to promote standards for the security of containers and other cargo moving within the international supply chain;

“(2) to encourage compliance with minimum technical requirements for the capabilities of nonintrusive inspection equipment, including imaging and radiation detection devices, established under section —06 of the Maritime Security Improvement Act of 2006;

“(3) to implement the requirements of the container security initiative under section 70121; and

“(4) to implement standards and procedures established under section 70116.”.

(b) REPORT ON SECURITY AT PORTS IN THE CARIBBEAN BASIN.—Not later than 180 days after the date of enactment of this Act, the Comptroller General shall submit to the Senate Committee on Commerce, Science, and Transportation, the House of Representatives Committee on Transportation and Infrastructure, and the House of Representatives Committee on Homeland Security a report on the security of ports in the Caribbean Basin. The report—

(1) shall include—

(A) an assessment of the effectiveness of the measures employed to improve security at ports in the Caribbean Basin and recommendations for any additional measures to improve such security;

(B) an estimate of the number of ports in the Caribbean Basin that will not be secured by January 1, 2007, and an estimate of the financial impact in the United States of any action taken pursuant to section 70110 of title 46, United States Code, that affects trade between such ports and the United States; and

(C) an assessment of the additional resources and program changes that are necessary to maximize security at ports in the Caribbean Basin; and

(2) may be submitted in both classified and redacted formats.

(c) CONFORMING AMENDMENT.—The chapter analysis for chapter 701 of title 46, United States Code, is amended by striking the item relating to section 70901 and inserting the following:

*“70901. International cooperation and coordination”.*

**SEC.—05. IMPROVED DATA FOR TARGETED CARGO SEARCHES.**

(a) IN GENERAL.—In order to provide the best possible data for the automated targeting system developed and operated by United States Customs and Border Protection under section 70116(b)(1) of title 46, United States Code, that identifies high-risk cargo for inspection before it is loaded in a foreign port for shipment to the United States, the Secretary of Homeland Security, acting through the Commissioner of Customs and Border Protection, shall require importers shipping goods to the United States via cargo container to supply entry data not later than 24 hours before loading a container under the advance notification requirements under section 484(a)(2) of the Tariff Act of 1930 (19 U.S.C. 1484(a)(2)).

(b) DEADLINE.—The requirement imposed under subsection (a) shall apply to goods entered after July 1, 2006.

(c) AUTHORIZATION OF APPROPRIATIONS.—

(1) There are authorized to be appropriated to the Secretary of Homeland Security to carry out the automated targeting system program to identify high-risk oceanborne container cargo for inspection—

(A) \$30,700,000 for fiscal year 2007;

(B) \$33,200,000 for fiscal year 2008; and

(C) \$35,700,000 for fiscal year 2009.

(2) The amounts authorized by this subsection shall be in addition to any other amounts authorized to be appropriated to carry out that program.

**SEC.—06. TECHNICAL REQUIREMENTS FOR NON-INTRUSIVE INSPECTION EQUIPMENT.**

Within 2 years after the date of enactment of this Act, the Commissioner of Customs and Border Protection, in consultation with the National Institute of Science and Technology, shall initiate a rulemaking to establish minimum technical requirements for the capabilities of nonintrusive inspection equipment, including imaging and radiation detection devices, that help ensure that all equipment used can detect risks and threats as determined appropriate by the Secretary, while considering the need not to endorse specific companies or to create sovereignty conflicts with participating countries.

**SEC.—07. RANDOM INSPECTION OF CONTAINERS.**

Within 1 year after the date of enactment of this Act, the Commissioner of Customs and Border Protection shall develop and implement a plan, utilizing best practices for empirical scientific research design and random sampling standards for random physical inspection of shipping containers in addition to any targeted or pre-shipment inspection of such containers required by law or regulation or conducted under any other program conducted by the Commissioner. Nothing in this section shall be construed to mean that implementation of the random sampling plan would preclude the additional physical inspection of shipping containers not inspected pursuant to the plan.

**SEC.—08. CARGO SECURITY.**

(a) IN GENERAL.—Chapter 701 of title 46, United States Code, is amended—

(1) by redesignating the second section 70118 (relating to withholding of clearance), as added by section 802(a)(2) of the Coast Guard and Maritime Transportation Act of 2004, as section 70119;

(2) by redesignating the first section 70119 (relating to enforcement by State and local officers), as added by section 801(a) of the

Coast Guard and Maritime Transportation Act of 2004, as section 70120;

(3) by redesignating the second section 70119 (relating to civil penalty), as redesignated by section 802(a)(1) of the Coast Guard and Maritime Transportation Act of 2004, as section 70122; and

(4) by inserting after section 70120, as redesignated by paragraph (2), the following:

**“§ 70121. Container security initiative**

“(a) IN GENERAL.—Pursuant to the standards established under subsection (b)(1) of section 70116—

“(1) the Secretary, through the Commissioner of Customs and Border Protection, shall issue regulations to—

“(A) evaluate and screen cargo documents prior to loading in a foreign port for shipment to the United States, either directly or via a foreign port; and

“(B) inspect high-risk cargo in a foreign port intended for shipment to the United States by physical examination or nonintrusive examination by technological means; and

“(2) the Commissioner of Customs and Border Protection shall execute inspection and screening protocols with authorities in foreign ports to ensure that the standards and procedures promulgated under paragraph (1) are implemented in an effective manner.

“(b) EXTENSION OF CONTAINER SECURITY INITIATIVE TO OTHER PORTS.—The Secretary, through the Commissioner of Customs and Border Protection, may designate foreign seaports under this section if, with respect to any such seaport, the Secretary determines that—

“(1) the seaport—

“(A) presents a significant level of risk;

“(B) is a significant port or origin or transshipment, in terms of volume or value, for cargo being imported to the United States; and

“(C) is potentially capable of validating a secure system of transportation pursuant to section 70116; and

“(2) the Department of State and representatives of the country with jurisdiction over the port have completed negotiations to ensure compliance with the requirements of the container security initiative.

“(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary to carry out this section—

“(1) \$142,000,000 for fiscal year 2007;

“(2) \$144,000,000 for fiscal year 2008; and

“(3) \$146,000,000 for fiscal year 2009.”.

(b) CONFORMING AMENDMENTS.—

(1) The chapter analysis for chapter 701 of title 46, United States Code, is amended by striking the items following the item relating to section 70116 and inserting the following:

“70117. *In rem liability for civil penalties and certain costs*

“70118. *Firearms, arrests, and seizure of property*

“70119. *Withholding of clearance*

“70120. *Enforcement by State and local officers*

“70121. *Container security initiative*

“70122. *Civil penalty*”.

(2) Section 70117(a) of title 46, United States Code, is amended by striking “section 70120” and inserting “section 70122”.

(3) Section 70119(a) of such title, as redesignated by subsection (a)(1) of this section, is amended—

(A) by striking “under section 70119,” and inserting “under section 70122.”; and

(B) by striking “under section 70120,” and inserting “under that section.”.

(4) Section 111 of the Maritime Transportation Security Act of 2002 is repealed.

**SEC. —09. SECURE SYSTEMS OF INTERNATIONAL INTERMODAL TRANSPORTATION.**

Section 70116 of title 46, United States Code, is amended—

(1) by striking “transportation.” in subsection (a) and inserting “transportation—

“(1) to ensure the security and integrity of shipments of goods to the United States from the point at which such goods are initially packed or loaded into a cargo container for international shipment until they reach their ultimate destination; and

“(2) to facilitate the movement of such goods through the entire supply chain through an expedited security and clearance program.”; and

(2) by striking subsection (b) and inserting the following:

“(b) PROGRAM ELEMENTS.—In establishing and conducting the program under subsection (a) the Secretary, acting through the Commissioner of Customs and Border Protection, shall—

“(1) establish standards and procedures for verifying, at the point at which goods are placed in a cargo container for shipping, that the container is free of unauthorized hazardous chemical, biological, or nuclear material and for securely sealing such containers after the contents are so verified;

“(2) establish standards and procedures for screening and evaluating cargo prior to loading in a foreign port for shipment to the United States either directly or via a foreign port;

“(3) establish standards and procedures for securing cargo and monitoring that security while in transit;

“(4) develop performance standards to enhance the physical security of shipping containers, including performance standards for seals and locks;

“(5) establish standards and procedures for allowing the United States Government to ensure and validate compliance with this program; and

“(6) incorporate any other measures the Secretary considers necessary to ensure the security and integrity of international intermodal transport movements.

“(c) BENEFITS FROM PARTICIPATION.—The Commissioner of Customs and Border Protection may provide expedited clearance of cargo to an entity that—

“(1) meets or exceeds the standards established under subsection (b); and

“(2) certifies the security of its supply chain not less often than once every 2 years to the Secretary.”.

**SEC. —10. PORT SECURITY USER FEE STUDY.**

The Secretary of Homeland Security shall conduct a study of the need for, and feasibility of, establishing a system of oceanborne and port-related intermodal transportation user fees that could be imposed and collected as a dedicated revenue source, on a temporary or continuing basis, to provide necessary funding for the improvement and maintenance of enhanced port security. Within 1 year after date of enactment of this Act, the Secretary shall submit a report to the Senate Committee on Commerce, Science, and Transportation, the House of Representatives Committee on Transportation and Infrastructure, and the House of Representatives Committee on Homeland Security that—

(1) contains the Secretary's findings, conclusions, and recommendations (including legislative recommendations if appropriate); and

(2) includes an assessment of the annual amount of customs fees and duties collected through oceanborne and port-related transportation and the amount and percentage of such fees and duties that are dedicated to improve and maintain security.

**SEC. —11. DEADLINE FOR TRANSPORTATION SECURITY CARDS.**

The Secretary shall issue a final rule under section 70105 of title 46, United States Code, no later than January 1, 2007.

**SEC. —12. PORT SECURITY GRANTS.**

(a) BASIS FOR GRANTS.—Section 70107(a) of title 46, United States Code, is amended by striking “for making a fair and equitable allocation of funds” and inserting “based on risk and vulnerability”.

(b) ELIGIBLE COSTS.—Section 70107(b) of title 46, United States Code, is amended by striking paragraph (1) and redesignating paragraphs (2) through (4) as paragraphs (1) through (3), respectively.

(c) LETTERS OF INTENT.—Section 70107(e) of title 46, United States Code, is amended by adding at the end the following:

“(5) LETTERS OF INTENT.—The Secretary may execute letters of intent to commit funding to port sponsors from the Fund.”.

**SEC. —13. CUSTOMS-TRADE PARTNERSHIP AGAINST TERRORISM SECURITY VALIDATION PROGRAM.**

(a) IN GENERAL.—Chapter 701 of title 46, United States Code, as amended by section —08 of this title, is further amended—

(1) by redesignating section 70122 (as redesignated by section —08(a)(3) of this title) as section 70123; and

(2) by inserting after section 70121 the following:

**“§ 70122. Customs-Trade Partnership Against Terrorism validation program.**

“(a) VALIDATION; RECORDS MANAGEMENT.—The Secretary of Homeland Security, through the Commissioner of Customs and Border Protection, shall issue regulations—

“(1) to strengthen the validation process to verify that security programs of members of the Customs-Trade Partnership Against Terrorism have been implemented and that the program benefits should continue by providing appropriate guidance to specialists conducting such validations, including establishing what level of review is adequate to determine whether member security practices are reliable, accurate, and effective; and

“(2) to implement a records management system that documents key decisions and significant operational events accurately and in a timely manner, including a reliable system for—

“(A) documenting and maintaining records of all decisions in the application through validation processes, including documentation of the objectives, scope, methodologies, and limitations of validations; and

“(B) tracking member status.

“(b) HUMAN CAPITAL PLAN.—Within 6 months after the date of enactment of the Maritime Security Improvement Act of 2006, the Secretary shall complete a human capital plan, that clearly describes how the Customs-Trade Partnership Against Terrorism program will recruit, train, and retain sufficient staff to conduct the work of the program successfully, including reviewing security profiles, vetting, and conducting validations to mitigate program risk.”.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Homeland Security to carry out section 70122 of title 49, United States Code, not to exceed—

(1) \$60,000,000 for fiscal year 2007;

(2) \$65,000,000 for fiscal year 2008; and

(3) \$72,000,000 for fiscal year 2009.

(c) CONFORMING AMENDMENTS.—

(1) The chapter analysis for chapter 701 of title 46, United States Code, as amended by section —08(b) of this title, is further amended by striking the item relating to section 70122 and inserting the following:

“70122. *Customs-Trade Partnership Against Terrorism validation program*

“70123. *Civil penalty*”.

(2) Section 70117(a) and 70119(a) of title 46, United States Code, as amended by section —08(b)(2) and (3), respectively, of this Act, are each amended by striking “section 70122,” and inserting “section 70123.”

**SEC. —14. WORK STOPPAGES AND EMPLOYEE-EMPLOYER DISPUTES.**

Section 70101(6) is amended by inserting after “area.” the following: “In this paragraph, the term ‘economic disruption’ does not include a work stoppage or other non-violent employee-related action resulting from an employee-employer dispute.”

**SEC. —15. APPEAL OF DENIAL OF WAIVER FOR TRANSPORTATION SECURITY CARD.**

Section 70105(c)(3) of title 46, United States Code, is amended by inserting “or a waiver under paragraph (2)” after “card”.

**SEC. —16. INSPECTION OF CAR FERRIES ENTERING FROM CANADA.**

Within 120 days after the date of enactment of this Act, the Secretary of Homeland Security, acting through the Commissioner of Customs and Border Protection, in coordination with the Secretary of State, and their Canadian counterparts, shall develop a plan for the inspection of passengers and vehicles before such passengers board, or such vehicles are loaded onto, a ferry bound for a United States port.

**SA 3801.** Mr. LEAHY (for himself and Mr. DURBIN) submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 118, line 7, strike “\$136,290,000” and insert in lieu thereof “\$171,290,000”.

On page 88, line 6, strike “\$1,452,600,000” and insert in lieu thereof the “\$1,417,600,000”.

**SA 3802.** Mr. LEAHY submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 117, line 25, strike “\$10,500,000” and insert in lieu thereof “\$20,500,000”.

On page 88, line 6, strike “\$1,452,600,000” and insert in lieu thereof the “\$1,442,600,000”.

On page 117, line 26, after “That” insert the following:

of the funds appropriated under this heading, \$10,000,000 shall be made available for assistance for Guatemala for recovery and reconstruction activities related to Hurricane Stan: *Provided further*, That

**SA 3803.** Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . For purposes of oversight by and determining the termination date of the Office of the Special Inspector General for Iraq Reconstruction under section 3001(o) of the Emergency Supplemental Appropriations Act for Defense and for the Reconstruction of Iraq and Afghanistan, 2004 (Public Law 108-106; 5 U.S.C. App. 8G note), as amended by section 1203 of the Ronald W. Reagan National Defense Authorization Act, 2005 (Public Law 108-375; 118 Stat. 2081), and section

599 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2006 (Public Law 109-102; 119 Stat. 2240), the following funds shall be deemed amounts appropriated or otherwise made available for the Iraq Relief and Reconstruction Fund:

(1) Funds appropriated or otherwise made available by this Act for assistance for Iraq under the headings “OPERATING EXPENSES OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT”, “ECONOMIC SUPPORT FUND”, “INTERNATIONAL NARCOTICS CONTROL AND LAW ENFORCEMENT,” and “INTERNATIONAL AFFAIRS TECHNICAL ASSISTANCE”.

**SA 3804.** Mr. COCHRAN submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 157, beginning on line 22, strike “any shipbuilding contract” and insert “any existing shipbuilding contract of the Navy”.

**SA 3805.** Mr. BENNETT submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place insert the following:

SIGN REPAIR OR REPLACEMENT

SEC. . Notwithstanding part 750 of title 23, Code of Federal Regulations (or a successor regulation), if permitted by State law, a nonconforming sign that is damaged, destroyed, abandoned, or discontinued as a result of an act of God (as defined by State law) may be repaired, replaced, or reconstructed if the replacement sign has the same dimensions as the original sign.

**SA 3806.** Mr. BROWNBACK submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 90, between lines 10 and 11, insert the following:

OFFICE OF THE PRESIDENTIAL SPECIAL ENVOY FOR SUDAN

SEC. 1202. Of the amount appropriated by this chapter for the Department of State for the administration of foreign affairs under the heading “DIPLOMATIC AND CONSULAR PROGRAMS”, such sums as may be necessary shall be made available for the establishment and adequate support, including staffing, of the Office of the Presidential Special Envoy for Sudan. The mandate of the Office shall include coordinating efforts to implement the Comprehensive Peace Agreement for Sudan and making recommendations for restoring and maintaining stability and lasting peace for all of Sudan, including Darfur, and throughout the region, including Chad and northern Uganda.

**SA 3807.** Mr. CHAMBLISS (for himself, Mr. ISAKSON, and Mr. INOUE) submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental ap-

propriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 253, between lines 19 and 20, insert the following:

CONFORMING CHANGES RELATED TO MILITARY CONSTRUCTION AUTHORIZATIONS

SEC. 7032. Section 2403(b) of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109-163) is amended in paragraph (2) by striking “\$12,500,000” and inserting “\$291,888,000”, and in paragraph (3) by striking “\$256,034,000” and inserting “\$301,524,000”.

**SA 3808.** Mr. COLEMAN submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SENSE OF THE SENATE ON SECURING THE UNITED STATES BORDERS

SEC. . (a) The Senate makes the following findings:

(1) The net growth of 500,000 unauthorized aliens entering the United States each year, and the potential for terrorists to take advantage of the porous borders of the United States, represent a clear and present danger to the national security of the United States.

(2) The inability to secure the international borders of the United States has given rise to an immigration crisis that has profound social, legal, and political ramifications.

(3) While assessing the identity and location of the approximately 11,000,000 unauthorized aliens currently in the United States, the Federal Government must simultaneously act to secure the borders and prevent further illegal entry.

(b) It is the sense of the Senate that—

(1) the President of the United States should demonstrate the highest level of commitment to securing the land and sea borders of the United States by using all the resources at the disposal of the President, including—

(A) declaring a state of emergency in States that share an international border with Mexico or Canada until such time as the President determines that—

(i) the additional resources and manpower provided by this Act are deployed; and

(ii) there is a significant reduction in the number of illegal aliens entering the United States;

(B) immediately deploying the Armed Forces, including the National Guard to such international borders;

(C) requiring each Cabinet Secretary to detail the resources and capabilities that their respective Federal agencies have available for use in securing the land and sea borders of the United States; and

(D) facilitating the development of a program to enable all willing citizens of the United States to contribute to securing the land and sea borders of the United States; and

(2) the President of Mexico should be encouraged to use all authority within the power of the President of Mexico to secure the international border between the United States and Mexico from illegal crossings.

**SA 3809.** Mr. OBAMA submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for

the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 253, between lines 19 and 20, insert the following:

REQUIRED DISCLOSURE OF ENTITIES RECEIVING  
FEDERAL FUNDS

SEC. 7032. (a) Beginning not later than 30 days after the date of the enactment of this Act, the Director of the Office of Management and Budget shall maintain and publish a list of the 25 largest (by dollar value) contracts, subcontracts, and task and delivery orders related to Hurricane Katrina recovery and reconstruction efforts that are awarded each month using funds appropriated or otherwise made available by this Act.

(b) The list published under subsection (a) shall include, with respect to each listed contract, subcontract, or task and delivery order—

(1) the name of the contractor or subcontractor;

(2) the amount of the contract, subcontract, or task and delivery order;

(3) the purpose of the contract, subcontract, or task and delivery order; and

(4) the duration of the contract, subcontract, or task and delivery order.

(c) The list required under subsection (a) shall—

(1) be published in newspapers of general circulation in the areas affected by Hurricane Katrina;

(2) be made available to the public on an accessible Federal Government Internet website; and

(3) include an electronic mail address and toll-free telephone number through which local residents may contact a contracting agency to report fraud, waste, or abuse under a contract.

**SA 3810.** Mr. OBAMA (for himself, Mr. COBURN, and Mr. KENNEDY) submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 253, between lines 19 and 20, insert the following:

ACCOUNTABILITY IN HURRICANE RECOVERY  
CONTRACTING

SEC. 7032. None of the funds appropriated by this Act that are made available for relief and recovery efforts related to Hurricane Katrina and the other hurricanes of the 2005 season may be used by an executive agency to enter into any Federal contract exceeding \$500,000 through the use of procedures other than competitive procedures as required by the Federal Acquisition Regulation and, as applicable, section 303(a) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253(a)) or section 2304(a) of title 10, United States Code.

**SA 3811.** Mr. OBAMA (for himself, Mr. COBURN, and Mr. KENNEDY) submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 253, between lines 19 and 20, insert the following:

LIMITS ON ADMINISTRATIVE COSTS UNDER  
FEDERAL CONTRACTS

SEC. 7032. None of the funds appropriated by this Act may be used by an executive

agency to enter into any Federal contract, grant, cooperative agreement, or task and delivery order for which the administrative overhead and contract management expenses exceed reasonable industry standards.

**SA 3812.** Mr. BOND submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 198, line 24, after the colon, insert the following: "Provided further, That the limitation contained in section 8(o)(13)(B) of the United States Housing Act of 1937 shall not apply to the funds made available under the previous proviso:".

**SA 3813.** Mr. OBAMA (for himself, Mr. BINGAMAN, and Mr. SALAZAR) submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 168, between lines 8 and 9, insert the following:

EVACUATION OF INDIVIDUALS WITH SPECIAL  
NEEDS

SEC. 2504. The Secretary of Homeland Security, shall take appropriate actions to ensure that each State and each of the 75 largest urban areas, in the homeland security strategy or other homeland security plan for such State or urban area, provides detailed and comprehensive information regarding the predisaster and postdisaster plans of such State or urban area for the evacuation of individuals with special needs (including low-income individuals and families, disabled individuals, the homeless, individuals who do not speak English, and the elderly) in an emergency that would warrant their evacuation (including plans for the provision of food, water, and shelter for evacuees).

**SA 3814.** Mr. BAUCUS submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. \_\_\_\_\_. Not later than 10 days after the date of enactment of this Act, the Secretary of Homeland Security, from amounts provided to the Department of Homeland Security under the heading "Office of the Under Secretary for Management" under title I of the Department of Homeland Security Appropriations Act, 2006 (Public Law 109-90), shall make available \$1,000,000 for the Center for Asbestos Related Disease in Libby, Montana.

**SA 3815.** Mr. BAUCUS submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 245, line 22, insert "": *Provided*, That \$1,000,000 shall be available for the Center for Asbestos Related Disease in Libby, Montana" after "\$3,960,000".

**SA 3816.** Mrs. BOXER submitted an amendment intended to be proposed by

her to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 117, between lines 9 and 10, insert the following:

MENTAL HEALTH COUNSELING AND CARE FOR  
MEMBERS OF THE ARMED FORCES

SEC. 1312. (a) ADDITIONAL AMOUNT FOR DEFENSE HEALTH PROGRAM.—The amount appropriated by this chapter under the heading "DEFENSE HEALTH PROGRAM" is hereby increased by \$50,000,000, with the entire amount of the increase designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

(b) AVAILABILITY OF AMOUNT.—Of the amount appropriated by this chapter under the heading "DEFENSE HEALTH PROGRAM", as increased by subsection (a), \$50,000,000 shall be available to expand resources available for mental health counseling and care, including, in particular, suicide prevention programs for members of the Armed Forces.

**SA 3817.** Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 7017 (relating to the Office of Job Corps).

**SA 3818.** Mr. WYDEN submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 253, between lines 19 and 20, insert the following:

RENEGOTIATION OF EXISTING OIL AND NATURAL  
GAS LEASES

SEC. 7032. (a) The Secretary of the Interior (referred to in this section as the "Secretary") shall, to the maximum extent practicable, attempt to renegotiate each lease authorizing production of oil or natural gas on Federal land (including submerged land) issued by the Secretary before the date of enactment of this Act as the Secretary determines to be necessary to modify the terms of the lease to ensure that a suspension of a requirement to pay royalties under the lease is terminated.

(b) Unless a lessee renegotiates a lease described in subsection (a) and enters in an agreement with the Secretary to modify the terms of a lease in accordance with that subsection by the date that is 60 days after the date of enactment of this Act, the lessee shall not be eligible—

(1) to enter into a new lease that authorizes production of oil or natural gas on Federal land (including submerged land); or

(2) to obtain by sale or other transfer any lease described in subsection (a) that is issued before the end of the 60-day period.

**SA 3819.** Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 140, strike from line 8 "\$10,000,000" through line 15 "years:", and insert in its

place on page 140, line 8, after “appropriated” the following: “\$30 million shall be provided for the fishery finance program loans under title XI of the Merchant Marine Act, 1936, (46 U.S.C. App. 1271 et seq.) to satisfy loan obligations for loans used to make expenditures, guarantee or finance to repair, replace or restore fisheries infrastructure, vessels, facilities, or fish processing facilities home-ported or located within the declared fisheries disaster area.”

**SA 3820.** Mr. OBAMA (for himself, Mr. LEVIN, Mr. BAYH, Ms. LANDRIEU, and Mr. LIEBERMAN) submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 165, line 9, strike “\$10,000,000” and all that follows through line 14 and insert the following: “\$11,000,000, to remain available until expended: Provided, That \$1,000,000 shall be for the efforts of the Director of the Federal Emergency Management Agency, in consultation with the Secretary of Health and Human Services, ongoing on the date of enactment of this Act to assist individuals displaced by Hurricane Katrina of 2005, in locating members of their family: Provided further, That not later than 1 year after the date of enactment of this Act, the Secretary of Homeland Security, in consultation with the Secretary of Health and Human Services and the Attorney General of the United States, shall conduct an assessment regarding how to modify the Louisiana family assistance call center model and the model used by the National Center for Missing and Exploited Children for use in major disasters (as that term is defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122)) occurring after the date of enactment of this Act: Provided further, That not later than 1 year after the date of the conclusion of the assessment conducted under the preceding proviso, the Secretary of Homeland Security, in consultation with the Secretary of Health and Human Services and the Attorney General of the United States, shall issue regulations to implement the findings of such assessment, to the maximum extent practicable: Provided further, That the amount provided under this heading is designated as an emergency requirement under section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution in the budget for fiscal year 2006.”

**SA 3821.** Mr. SANTORUM submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

#### VISA WAIVER PROGRAM EXPANSION

SEC. \_\_\_\_ Section 217(c) of the Immigration and Nationality Act (8 U.S.C. 1187(c)) is amended by adding at the end the following:

“(8) PROBATIONARY ADMISSION.—

“(A) IN GENERAL.—Notwithstanding any other provision of this section, a country may be designated as a program country, on a probationary basis, under this section if—

“(i) the country is a member of the European Union;

“(ii) the country is providing material support, including more than a nominal number

of military personnel, to the United States or the multilateral forces in Afghanistan or Iraq, as determined by the Secretary of Defense, in consultation with the Secretary of State;

“(iii) the Secretary of Homeland Security, in consultation with the Secretary of State, determines that participation of the country in the visa waiver program under this section does not compromise the law enforcement interests of the United States.

“(B) REFUSAL RATES; OVERSTAY RATES.—The determination under subparagraph (A)(iii) shall not take into account any refusal rates or overstay rates prior to the expiration of the first full year of the country’s admission into the European Union.

“(C) FULL COMPLIANCE.—Not later than 2 years after the date of a country’s designation under subparagraph (A), the country—

“(i) shall be in full compliance with all applicable requirements for program country status under this section; or

“(ii) shall have its program country designation terminated.

“(D) EXTENSIONS.—The Secretary of State may extend, for a period not to exceed 2 years, the probationary designation granted under subparagraph (A) if the country—

“(i) is making significant progress towards coming into full compliance with all applicable requirements for program country status under this section;

“(ii) is likely to achieve full compliance before the end of such 2-year period; and

“(iii) continues to be an ally of the United States against terrorist states, organizations, and individuals, as determined by the Secretary of Defense, in consultation with the Secretary of State.”

**SA 3822.** Mr. INOUE (for himself, Mr. STEVENS, Mr. SHELBY, Mr. SARBANES, Mr. ROCKEFELLER, Mr. REED, Mrs. BOXER, Mrs. CLINTON, and Mr. ALLARD) submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

#### TITLE —IMPROVED PUBLIC TRANSPORTATION SECURITY

##### SEC. —101. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This title may be cited as the “Public Transportation Terrorism Prevention Act of 2006”.

(b) TABLE OF CONTENTS.—The table of contents for this title is as follows:

Sec. —101. Short title; table of contents.

Sec. —102. Findings and purpose.

Sec. —103. Security assessments.

Sec. —104. Security assistance grants.

Sec. —105. Intelligence sharing.

Sec. —106. Research, development, and demonstration grants.

Sec. —107. Reporting requirements.

Sec. —108. Authorization of appropriations.

Sec. —109. Sunset provision.

##### SEC. —102. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds that—

(1) public transportation systems throughout the world have been a primary target of terrorist attacks, causing countless deaths and injuries;

(2) 5,800 public transportation agencies operate in the United States;

(3) 14,000,000 people in the United States ride public transportation each work day;

(4) safe and secure public transportation systems are essential for the Nation’s economy and for significant national and international public events;

(5) the Federal Transit Administration has invested \$74,900,000,000 since 1992 for con-

struction and improvements to the Nation’s public transportation systems;

(6) the Federal Government appropriately invested \$18,100,000,000 in fiscal years 2002 through 2005 to protect our Nation’s aviation system and its 1,800,000 daily passengers;

(7) the Federal Government has allocated \$250,000,000 in fiscal years 2003 through 2005 to protect public transportation systems in the United States;

(8) the Federal Government has invested \$7.38 in aviation security improvements per passenger, but only \$0.007 in public transportation security improvements per passenger;

(9) the Government Accountability Office, the Mineta Institute for Surface Transportation Policy Studies, the American Public Transportation Association, and many transportation experts have reported an urgent need for significant investment in public transportation security improvements; and

(10) the Federal Government has a duty to deter and mitigate, to the greatest extent practicable, threats against the Nation’s public transportation systems.

##### SEC. —103. SECURITY ASSESSMENTS.

(a) PUBLIC TRANSPORTATION SECURITY ASSESSMENTS.—

(1) SUBMISSION.—Not later than 30 days after the date of enactment of this Act, the Federal Transit Administration of the Department of Transportation shall submit all public transportation security assessments and all other relevant information to the Secretary of Homeland Security.

(2) REVIEW.—Not later than July 31, 2006, the Secretary of Homeland Security shall review and augment the security assessments received under paragraph (1).

(3) ALLOCATIONS.—The Secretary of Homeland Security shall use the security assessments received under paragraph (1) as the basis for allocating grant funds under section —104, unless the Secretary notifies the Committee on Banking, Housing, and Urban Affairs of the Senate that the Secretary has determined that an adjustment is necessary to respond to an urgent threat or other significant factors.

(4) SECURITY IMPROVEMENT PRIORITIES.—Not later than September 30, 2006, the Secretary of Homeland Security, after consultation with the management and employee representatives of each public transportation system for which a security assessment has been received under paragraph (1), shall establish security improvement priorities that will be used by public transportation agencies for any funding provided under section —104.

(5) UPDATES.—Not later than July 31, 2007, and annually thereafter, the Secretary of Homeland Security shall—

(A) update the security assessments referred to in this subsection; and

(B) conduct security assessments of all public transportation agencies considered to be at greatest risk of a terrorist attack.

(b) USE OF SECURITY ASSESSMENT INFORMATION.—The Secretary of Homeland Security shall use the information collected under subsection (a)—

(1) to establish the process for developing security guidelines for public transportation security; and

(2) to design a security improvement strategy that—

(A) minimizes terrorist threats to public transportation systems; and

(B) maximizes the efforts of public transportation systems to mitigate damage from terrorist attacks.

(c) BUS AND RURAL PUBLIC TRANSPORTATION SYSTEMS.—Not later than July 31, 2006, the Secretary of Homeland Security shall conduct security assessments, appropriate to the size and nature of each system, to determine the specific needs of—

(1) local bus-only public transportation systems; and

(2) selected public transportation systems that receive funds under section 5311 of title 49, United States Code.

#### SEC.—104. SECURITY ASSISTANCE GRANTS.

(a) CAPITAL SECURITY ASSISTANCE PROGRAM.—

(1) IN GENERAL.—The Secretary of Homeland Security shall award grants directly to public transportation agencies for allowable capital security improvements based on the priorities established under section —103(a)(4).

(2) ALLOWABLE USE OF FUNDS.—Grants awarded under paragraph (1) may be used for—

- (A) tunnel protection systems;
- (B) perimeter protection systems;
- (C) redundant critical operations control systems;
- (D) chemical, biological, radiological, or explosive detection systems;
- (E) surveillance equipment;
- (F) communications equipment;
- (G) emergency response equipment;
- (H) fire suppression and decontamination equipment;
- (I) global positioning or automated vehicle locator type system equipment;
- (J) evacuation improvements; and
- (K) other capital security improvements.

(b) OPERATIONAL SECURITY ASSISTANCE PROGRAM.—

(1) IN GENERAL.—The Secretary of Homeland Security shall award grants directly to public transportation agencies for allowable operational security improvements based on the priorities established under section —103(a)(4).

(2) ALLOWABLE USE OF FUNDS.—Grants awarded under paragraph (1) may be used for—

- (A) security training for public transportation employees, including bus and rail operators, mechanics, customer service, maintenance employees, transit police, and security personnel;
- (B) live or simulated drills;
- (C) public awareness campaigns for enhanced public transportation security;
- (D) canine patrols for chemical, biological, or explosives detection;
- (E) overtime reimbursement for enhanced security personnel during significant national and international public events, consistent with the priorities established under section —103(a)(4); and
- (F) other appropriate security improvements identified under section —103(a)(4), excluding routine, ongoing personnel costs.

(c) CONGRESSIONAL NOTIFICATION.—Not later than 3 days before the award of any grant under this section, the Secretary of Homeland Security shall notify the Committee on Banking, Housing, and Urban Affairs of the Senate of the intent to award such grant.

(d) PUBLIC TRANSPORTATION AGENCY RESPONSIBILITIES.—Each public transportation agency that receives a grant under this section shall—

- (1) identify a security coordinator to coordinate security improvements;
- (2) develop a comprehensive plan that demonstrates the agency's capacity for operating and maintaining the equipment purchased under this section; and
- (3) report annually to the Department of Homeland Security on the use of grant funds received under this section.

(e) RETURN OF MISSPENT GRANT FUNDS.—If the Secretary of Homeland Security determines that a grantee used any portion of the grant funds received under this section for a purpose other than the allowable uses specified for that grant under this section, the

grantee shall return any amount so used to the Treasury of the United States.

#### SEC.—105. INTELLIGENCE SHARING.

(a) INTELLIGENCE SHARING.—The Secretary of Homeland Security shall ensure that the Department of Transportation receives appropriate and timely notification of all credible terrorist threats against public transportation assets in the United States.

(b) INFORMATION SHARING ANALYSIS CENTER.—

(1) ESTABLISHMENT.—The Secretary of Homeland Security shall provide sufficient financial assistance for the reasonable costs of the Information Sharing and Analysis Center for Public Transportation (referred to in this subsection as the "ISAC") established pursuant to Presidential Directive 63, to protect critical infrastructure.

(2) PUBLIC TRANSPORTATION AGENCY PARTICIPATION.—The Secretary of Homeland Security—

(A) shall require those public transportation agencies that the Secretary determines to be at significant risk of terrorist attack to participate in the ISAC;

(B) shall encourage all other public transportation agencies to participate in the ISAC; and

(C) shall not charge a fee to any public transportation agency for participating in the ISAC.

#### SEC.—106. RESEARCH, DEVELOPMENT, AND DEMONSTRATION GRANTS.

(a) GRANTS AUTHORIZED.—The Secretary of Homeland Security, in consultation with the Federal Transit Administration, shall award grants to public or private entities to conduct research into, and demonstrate, technologies and methods to reduce and deter terrorist threats or mitigate damages resulting from terrorist attacks against public transportation systems.

(b) USE OF FUNDS.—Grants awarded under subsection (a) may be used to

- (1) research chemical, biological, radiological, or explosive detection systems that do not significantly impede passenger access;
- (2) research imaging technologies;
- (3) conduct product evaluations and testing; and
- (4) research other technologies or methods for reducing or deterring terrorist attacks against public transportation systems, or mitigating damage from such attacks.

(c) REPORTING REQUIREMENT.—Each entity that receives a grant under this section shall report annually to the Department of Homeland Security on the use of grant funds received under this section.

(d) RETURN OF MISSPENT GRANT FUNDS.—If the Secretary of Homeland Security determines that a grantee used any portion of the grant funds received under this section for a purpose other than the allowable uses specified under subsection (b), the grantee shall return any amount so used to the Treasury of the United States.

#### SEC.—107. REPORTING REQUIREMENTS.

(a) SEMI-ANNUAL REPORT TO CONGRESS.—

(1) IN GENERAL.—Not later than March 31 and September 30 of each year, the Secretary of Homeland Security shall submit a report, containing the information described in paragraph (2), to—

- (A) the Committee on Banking, Housing, and Urban Affairs of the Senate;
- (B) the Committee on Homeland Security and Governmental Affairs of the Senate; and
- (C) the Committee on Appropriations of the Senate.

(2) CONTENTS.—The report submitted under paragraph (1) shall include—

(A) a description of the implementation of the provisions of sections — 103 through 106;

(B) the amount of funds appropriated to carry out the provisions of each of sections

— 103 through 106 that have not been expended or obligated; and

(C) the state of public transportation security in the United States.

(b) ANNUAL REPORT TO GOVERNORS.—

(1) IN GENERAL.—Not later than March 31 of each year, the Secretary of Homeland Security shall submit a report to the Governor of each State with a public transportation agency that has received a grant under this title.

(2) CONTENTS.—The report submitted under paragraph (1) shall specify—

(A) the amount of grant funds distributed to each such public transportation agency; and

(B) the use of such grant funds.

#### SEC.—108. AUTHORIZATION OF APPROPRIATIONS.

(a) CAPITAL SECURITY ASSISTANCE PROGRAM.—There are authorized to be appropriated \$2,370,000,000 for fiscal year 2007 to carry out the provisions of section —104(a), which shall remain available until expended.

(b) OPERATIONAL SECURITY ASSISTANCE PROGRAM.—There are authorized to be appropriated to carry out the provisions of section —104(b)—

- (1) \$534,000,000 for fiscal year 2007;
- (2) \$333,000,000 for fiscal year 2008; and
- (3) \$133,000,000 for fiscal year 2009.

(c) INTELLIGENCE.—There are authorized to be appropriated such sums as may be necessary to carry out the provisions of section —105.

(d) RESEARCH.—There are authorized to be appropriated \$130,000,000 for fiscal year 2007 to carry out the provisions of section —106, which shall remain available until expended.

#### SEC.—109. SUNSET PROVISION.

The authority to make grants under this title shall expire on October 1, 2009.

#### TITLE —IMPROVED RAIL SECURITY

##### SEC.—201. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This title may be cited as the "Rail Security Act of 2006".

(b) TABLE OF CONTENTS.—The table of contents for this title is as follows:

- Sec. —201. Short title; table of contents.
- Sec. —202. Rail transportation security risk assessment.
- Sec. —203. Systemwide AMTRAK security upgrades.
- Sec. —204. Fire and life-safety improvements.
- Sec. —205. Freight and passenger rail security upgrades.
- Sec. —206. Rail security research and development.
- Sec. —207. Oversight and grant procedures.
- Sec. —208. AMTRAK plan to assist families of passengers involved in rail passenger accidents.
- Sec. —209. Northern border rail passenger report.
- Sec. —210. Rail worker security training program.
- Sec. —211. Whistleblower protection program.
- Sec. —212. High hazard material security threat mitigation plans.
- Sec. —213. Memorandum of agreement.
- Sec. —214. Rail security enhancements.
- Sec. —215. Public awareness.
- Sec. —216. Railroad high hazard material tracking.
- Sec. —217. Authorization of appropriations.
- SEC.—202. RAIL TRANSPORTATION SECURITY RISK ASSESSMENT.

(a) IN GENERAL.—

(1) VULNERABILITY AND RISK ASSESSMENT.—The Secretary of Homeland Security shall establish a task force, including the Transportation Security Administration, the Department of Transportation, and other appropriate agencies, to complete a vulnerability and risk assessment of freight and

passenger rail transportation (encompassing railroads, as that term is defined in section 20102(1) of title 49, United States Code). The assessment shall include—

(A) a methodology for conducting the risk assessment, including timelines, that addresses how the Department of Homeland Security will work with the entities describe in subsection (b) and make use of existing Federal expertise within the Department of Homeland Security, the Department of Transportation, and other appropriate agencies;

(B) identification and evaluation of critical assets and infrastructures;

(C) identification of vulnerabilities and risks to those assets and infrastructures;

(D) identification of vulnerabilities and risks that are specific to the transportation of hazardous materials via railroad;

(E) identification of security weaknesses in passenger and cargo security, transportation infrastructure, protection systems, procedural policies, communications systems, employee training, emergency response planning, and any other area identified by the assessment; and

(F) an account of actions taken or planned by both public and private entities to address identified rail security issues and assess the effective integration of such actions.

(2) **RECOMMENDATIONS.**—Based on the assessment conducted under paragraph (1), the Secretary, in consultation with the Secretary of Transportation, shall develop prioritized recommendations for improving rail security, including any recommendations the Secretary has for—

(A) improving the security of rail tunnels, rail bridges, rail switching and car storage areas, other rail infrastructure and facilities, information systems, and other areas identified by the Secretary as posing significant rail-related risks to public safety and the movement of interstate commerce, taking into account the impact that any proposed security measure might have on the provision of rail service;

(B) deploying equipment to detect explosives and hazardous chemical, biological, and radioactive substances, and any appropriate countermeasures;

(C) training appropriate railroad or railroad shipper employees in terrorism prevention, passenger evacuation, and response activities;

(D) conducting public outreach campaigns on passenger railroads;

(E) deploying surveillance equipment; and

(F) identifying the immediate and long-term costs of measures that may be required to address those risks.

(3) **PLANS.**—The report required by subsection (c) shall include—

(A) a plan, developed in consultation with the freight and intercity passenger railroads, and State and local governments, for the Federal government to provide increased security support at high or severe threat levels of alert;

(B) a plan for coordinating existing and planned rail security initiatives undertaken by the public and private sectors; and

(C) a contingency plan, developed in conjunction with freight and intercity and commuter passenger railroads, to ensure the continued movement of freight and passengers in the event of an attack affecting the railroad system, which shall contemplate—

(i) the possibility of rerouting traffic due to the loss of critical infrastructure, such as a bridge, tunnel, yard, or station; and

(ii) methods of continuing railroad service in the Northeast Corridor in the event of a commercial power loss, or catastrophe affecting a critical bridge, tunnel, yard, or station.

(b) **CONSULTATION; USE OF EXISTING RESOURCES.**—In carrying out the assessment and developing the recommendations and plans required by subsection (a), the Secretary of Homeland Security shall consult with rail management, rail labor, owners or lessors of rail cars used to transport hazardous materials, first responders, shippers of hazardous materials, public safety officials, and other relevant parties.

(c) **REPORT.**—

(1) **CONTENTS.**—Within 180 days after the date of enactment of this Act, the Secretary shall transmit to the Senate Committee on Commerce, Science, and Transportation, the House of Representatives Committee on Transportation and Infrastructure, and the House of Representatives Committee on Homeland Security a report containing the assessment, prioritized recommendations, and plans required by subsection (a) and an estimate of the cost to implement such recommendations.

(2) **FORMAT.**—The Secretary may submit the report in both classified and redacted formats if the Secretary determines that such action is appropriate or necessary.

(d) **ANNUAL UPDATES.**—The Secretary, in consultation with the Secretary of Transportation, shall update the assessment and recommendations each year and transmit a report, which may be submitted in both classified and redacted formats, to the Committees named in subsection (c)(1), containing the updated assessment and recommendations.

(e) **FUNDING.**—Out of funds appropriated pursuant to section 114(u) of title 49, United States Code, there shall be made available to the Secretary of Homeland Security to carry out this section \$5,000,000 for fiscal year 2007.

#### **SEC. —203. SYSTEMWIDE AMTRAK SECURITY UPGRADES.**

(a) **IN GENERAL.**—Subject to subsection (c) the Secretary of Homeland Security, in consultation with the Assistant Secretary of Homeland Security (Transportation Security Administration), is authorized to make grants to Amtrak—

(1) to secure major tunnel access points and ensure tunnel integrity in New York, Baltimore, and Washington, DC;

(2) to secure Amtrak trains;

(3) to secure Amtrak stations;

(4) to obtain a watch list identification system approved by the Secretary;

(5) to obtain train tracking and interoperable communications systems that are coordinated to the maximum extent possible;

(6) to hire additional police and security officers, including canine units;

(7) to expand emergency preparedness efforts; and

(8) for employee security training.

(b) **CONDITIONS.**—The Secretary of Transportation shall disburse funds to Amtrak provided under subsection (a) for projects contained in a systemwide security plan approved by the Secretary of Homeland Security. The plan shall include appropriate measures to address security awareness, emergency response, and passenger evacuation training.

(c) **EQUITABLE GEOGRAPHIC ALLOCATION.**—The Secretary shall ensure that, subject to meeting the highest security needs on Amtrak's entire system and consistent with the risk assessment required under section —202, stations and facilities located outside of the Northeast Corridor receive an equitable share of the security funds authorized by this section.

(d) **AVAILABILITY OF FUNDS.**—Out of funds appropriated pursuant to section 114(u) of title 49, United States Code, there shall be made available to the Secretary of Homeland Security and the Assistant Secretary of Homeland Security (Transportation Security Administration) to carry out this section—

(1) \$63,500,000 for fiscal year 2007;

(2) \$30,000,000 for fiscal year 2008; and

(3) \$30,000,000 for fiscal year 2009.

Amounts appropriated pursuant to this subsection shall remain available until expended.

#### **SEC. —204. FIRE AND LIFE-SAFETY IMPROVEMENTS.**

(a) **LIFE-SAFETY NEEDS.**—The Secretary of Transportation, in consultation with the Secretary of Homeland Security, is authorized to make grants to Amtrak for the purpose of making fire and life-safety improvements to Amtrak tunnels on the Northeast Corridor in New York, NY, Baltimore, MD, and Washington, DC.

(b) **AUTHORIZATION OF APPROPRIATIONS.**—Out of funds appropriated pursuant to section —217(b) of this title, there shall be made available to the Secretary of Transportation for the purposes of carrying out subsection (a) the following amounts:

(1) For the 6 New York tunnels to provide ventilation, electrical, and fire safety technology upgrades, emergency communication and lighting systems, and emergency access and egress for passengers—

(A) \$190,000,000 for fiscal year 2007;

(B) \$190,000,000 for fiscal year 2008; and

(C) \$190,000,000 for fiscal year 2009.

(2) For the Baltimore & Potomac tunnel and the Union tunnel, together, to provide adequate drainage, ventilation, communication, lighting, and passenger egress upgrades—

(A) \$19,000,000 for fiscal year 2007;

(B) \$19,000,000 for fiscal year 2008; and

(C) \$19,000,000 for fiscal year 2009.

(3) For the Washington, DC, Union Station tunnels to improve ventilation, communication, lighting, and passenger egress upgrades—

(A) \$13,333,000 for fiscal year 2007;

(B) \$13,333,000 for fiscal year 2008; and

(C) \$13,333,000 for fiscal year 2009.

(c) **INFRASTRUCTURE UPGRADES.**—Out of funds appropriated pursuant to section —217(b) of this title, there shall be made available to the Secretary of Transportation for fiscal year 2007 \$3,000,000 for the preliminary design of options for a new tunnel on a different alignment to augment the capacity of the existing Baltimore tunnels.

(d) **AVAILABILITY OF APPROPRIATED FUNDS.**—Amounts made available pursuant to this section shall remain available until expended.

(e) **PLANS REQUIRED.**—The Secretary of Transportation may not make amounts available to Amtrak for obligation or expenditure under subsection (a)—

(1) until Amtrak has submitted to the Secretary, and the Secretary has approved, an engineering and financial plan for such projects; and

(2) unless, for each project funded pursuant to this section, the Secretary has approved a project management plan prepared by Amtrak addressing appropriate project budget, construction schedule, recipient staff organization, document control and record keeping, change order procedure, quality control and assurance, periodic plan updates, and periodic status reports.

(f) **REVIEW OF PLANS.**—The Secretary of Transportation shall complete the review of the plans required by paragraphs (1) and (2) of subsection (e) and approve or disapprove the plans within 45 days after the date on which each such plan is submitted by Amtrak. If the Secretary determines that a plan is incomplete or deficient, the Secretary shall notify Amtrak of the incomplete items or deficiencies and Amtrak shall, within 30 days after receiving the Secretary's notification, submit a modified plan for the Secretary's review. Within 15 days after receiving additional information on items previously included in the plan, and within 45

days after receiving items newly included in a modified plan, the Secretary shall either approve the modified plan, or, if the Secretary finds the plan is still incomplete or deficient, the Secretary shall identify in writing to the Senate Committee on Commerce, Science, and Transportation, the House of Representatives Committee on Transportation and Infrastructure, and the House of Representatives Committee on Homeland Security the portions of the plan the Secretary finds incomplete or deficient, approve all other portions of the plan, obligate the funds associated with those other portions, and execute an agreement with Amtrak within 15 days thereafter on a process for resolving the remaining portions of the plan.

(g) **FINANCIAL CONTRIBUTION FROM OTHER TUNNEL USERS.**—The Secretary shall, taking into account the need for the timely completion of all portions of the tunnel projects described in subsection (a)—

(1) consider the extent to which rail carriers other than Amtrak use or plan to use the tunnels;

(2) consider the feasibility of seeking a financial contribution from those other rail carriers toward the costs of the projects; and

(3) obtain financial contributions or commitments from such other rail carriers at levels reflecting the extent of their use or planned use of the tunnels, if feasible.

**SEC. —205. FREIGHT AND PASSENGER RAIL SECURITY UPGRADES.**

(a) **SECURITY IMPROVEMENT GRANTS.**—The Secretary of Homeland Security, through the Assistant Secretary of Homeland Security (Transportation Security Administration) and other appropriate agencies, is authorized to make grants to freight railroads, the Alaska Railroad, hazardous materials shippers, owners of rail cars used in the transportation of hazardous materials, universities, colleges and research centers, State and local governments (for rail passenger facilities and infrastructure not owned by Amtrak), and, through the Secretary of Transportation, to Amtrak, for full or partial reimbursement of costs incurred in the conduct of activities to prevent or respond to acts of terrorism, sabotage, or other intercity passenger rail and freight rail security vulnerabilities and risks identified under section —202, including—

(1) security and redundancy for critical communications, computer, and train control systems essential for secure rail operations;

(2) accommodation of rail cargo or passenger screening equipment at the United States-Mexico border, the United States-Canada border, or other ports of entry;

(3) the security of hazardous material transportation by rail;

(4) secure intercity passenger rail stations, trains, and infrastructure;

(5) structural modification or replacement of rail cars transporting high hazard materials to improve their resistance to acts of terrorism;

(6) employee security awareness, preparedness, passenger evacuation, and emergency response training;

(7) public security awareness campaigns for passenger train operations;

(8) the sharing of intelligence and information about security threats;

(9) to obtain train tracking and interoperable communications systems that are coordinated to the maximum extent possible;

(10) to hire additional police and security officers, including canine units; and

(11) other improvements recommended by the report required by section —202, including infrastructure, facilities, and equipment upgrades.

(b) **ACCOUNTABILITY.**—The Secretary shall adopt necessary procedures, including au-

ditions, to ensure that grants made under this section are expended in accordance with the purposes of this title and the priorities and other criteria developed by the Secretary.

(c) **ALLOCATION.**—The Secretary shall distribute the funds authorized by this section based on risk and vulnerability as determined under section —202, and shall encourage non-Federal financial participation in awarding grants. With respect to grants for intercity passenger rail security, the Secretary shall also take into account passenger volume and whether a station is used by commuter rail passengers as well as intercity rail passengers.

(d) **CONDITIONS.**—The Secretary of Transportation may not disburse funds to Amtrak under subsection (a) unless Amtrak meets the conditions set forth in section —203(b) of this title.

(e) **ALLOCATION BETWEEN RAILROADS AND OTHERS.**—Unless as a result of the assessment required by section —202 the Secretary of Homeland Security determines that critical rail transportation security needs require reimbursement in greater amounts to any eligible entity, no grants under this section may be made—

(1) in excess of \$45,000,000 to Amtrak; or

(2) in excess of \$80,000,000 for the purposes described in paragraphs (3) and (5) of subsection (a).

(f) **AUTHORIZATION OF APPROPRIATIONS.**—Out of funds appropriated pursuant to section 114(u) of title 49, United States Code, there shall be made available to the Secretary of Homeland Security to carry out this section—

(1) \$100,000,000 for fiscal year 2007;

(2) \$100,000,000 for fiscal year 2008; and

(3) \$100,000,000 for fiscal year 2009.

Amounts made available pursuant to this subsection shall remain available until expended.

(g) **HIGH HAZARD MATERIALS DEFINED.**—In this section, the term “high hazard materials” means quantities of poison inhalation hazard materials, Class 2.3 gases, Class 6.1 materials, and anhydrous ammonia that the Secretary, in consultation with the Secretary of Transportation, determines pose a security risk.

**SEC. —206. RAIL SECURITY RESEARCH AND DEVELOPMENT.**

(a) **ESTABLISHMENT OF RESEARCH AND DEVELOPMENT PROGRAM.**—The Secretary of Homeland Security, through the Under Secretary for Science and Technology and the Assistant Secretary of Homeland Security (Transportation Security Administration), in consultation with the Secretary of Transportation shall carry out a research and development program for the purpose of improving freight and intercity passenger rail security that may include research and development projects to—

(1) reduce the vulnerability of passenger trains, stations, and equipment to explosives and hazardous chemical, biological, and radioactive substances;

(2) test new emergency response techniques and technologies;

(3) develop improved freight technologies, including—

(A) technologies for sealing rail cars;

(B) automatic inspection of rail cars;

(C) communication-based train controls; and

(D) emergency response training;

(4) test wayside detectors that can detect tampering with railroad equipment;

(5) support enhanced security for the transportation of hazardous materials by rail, including—

(A) technologies to detect a breach in a tank car or other rail car used to transport hazardous materials and transmit information about the integrity of cars to the train crew or dispatcher;

(B) research to improve tank car integrity, with a focus on tank cars that carry high hazard materials (as defined in section —205(g) of this title; and

(C) techniques to transfer hazardous materials from rail cars that are damaged or otherwise represent an unreasonable risk to human life or public safety; and

(6) other projects that address vulnerabilities and risks identified under section —202.

(b) **COORDINATION WITH OTHER RESEARCH INITIATIVES.**—The Secretary of Homeland Security shall ensure that the research and development program authorized by this section is coordinated with other research and development initiatives at the Department of Homeland Security and the Department of Transportation. The Secretary shall carry out any research and development project authorized by this section through a reimbursable agreement with the Secretary of Transportation, if the Secretary of Transportation—

(1) is already sponsoring a research and development project in a similar area; or

(2) has a unique facility or capability that would be useful in carrying out the project.

(c) **GRANTS AND ACCOUNTABILITY.**—To carry out the research and development program, the Secretary may award grants to the entities described in section —205(a) and shall adopt necessary procedures, including audits, to ensure that grants made under this section are expended in accordance with the purposes of this title and the priorities and other criteria developed by the Secretary.

(d) **AUTHORIZATION OF APPROPRIATIONS.**—Out of funds appropriated pursuant to section 114(u) of title 49, United States Code, there shall be made available to the Secretary of Homeland Security to carry out this section—

(1) \$35,000,000 for fiscal year 2007;

(2) \$35,000,000 for fiscal year 2008; and

(3) \$35,000,000 for fiscal year 2009.

Amounts made available pursuant to this subsection shall remain available until expended.

**SEC. —207. OVERSIGHT AND GRANT PROCEDURES.**

(a) **SECRETARIAL OVERSIGHT.**—The Secretary of Homeland Security may use up to 0.5 percent of amounts made available for capital projects under the Rail Security Act of 2006 to enter into contracts for the review of proposed capital projects and related program management plans and to oversee construction of such projects.

(b) **USE OF FUNDS.**—The Secretary may use amounts available under subsection (a) of this subsection to make contracts to audit and review the safety, procurement, management, and financial compliance of a recipient of amounts under this title.

(c) **PROCEDURES FOR GRANT AWARD.**—The Secretary shall, within 90 days after the date of enactment of this Act, prescribe procedures and schedules for the awarding of grants under this title, including application and qualification procedures (including a requirement that the applicant have a security plan), and a record of decision on applicant eligibility. The procedures shall include the execution of a grant agreement between the grant recipient and the Secretary and shall be consistent, to the extent practicable, with the grant procedures established under section 70107 of title 46, United States Code.

**SEC. —208. AMTRAK PLAN TO ASSIST FAMILIES OF PASSENGERS INVOLVED IN RAIL PASSENGER ACCIDENTS.**

(a) **IN GENERAL.**—Chapter 243 of title 49, United States Code, is amended by adding at the end the following:

**“§ 24316. Plans to address needs of families of passengers involved in rail passenger accidents**

“(a) SUBMISSION OF PLAN.—Not later than 6 months after the date of the enactment of the Rail Security Act of 2006, Amtrak shall submit to the Chairman of the National Transportation Safety Board, the Secretary of Transportation, and the Secretary of Homeland Security a plan for addressing the needs of the families of passengers involved in any rail passenger accident involving an Amtrak intercity train and resulting in a loss of life.

“(b) CONTENTS OF PLANS.—The plan to be submitted by Amtrak under subsection (a) shall include, at a minimum, the following:

“(1) A process by which Amtrak will maintain and provide to the National Transportation Safety Board and the Secretary of Transportation, immediately upon request, a list (which is based on the best available information at the time of the request) of the names of the passengers aboard the train (whether or not such names have been verified), and will periodically update the list. The plan shall include a procedure, with respect to unreserved trains and passengers not holding reservations on other trains, for Amtrak to use reasonable efforts to ascertain the number and names of passengers aboard a train involved in an accident.

“(2) A plan for creating and publicizing a reliable, toll-free telephone number within 4 hours after such an accident occurs, and for providing staff, to handle calls from the families of the passengers.

“(3) A process for notifying the families of the passengers, before providing any public notice of the names of the passengers, by suitably trained individuals.

“(4) A process for providing the notice described in paragraph (2) to the family of a passenger as soon as Amtrak has verified that the passenger was aboard the train (whether or not the names of all of the passengers have been verified).

“(5) A process by which the family of each passenger will be consulted about the disposition of all remains and personal effects of the passenger within Amtrak's control; that any possession of the passenger within Amtrak's control will be returned to the family unless the possession is needed for the accident investigation or any criminal investigation; and that any unclaimed possession of a passenger within Amtrak's control will be retained by the rail passenger carrier for at least 18 months.

“(6) A process by which the treatment of the families of nonrevenue passengers will be the same as the treatment of the families of revenue passengers.

“(7) An assurance that Amtrak will provide adequate training to its employees and agents to meet the needs of survivors and family members following an accident.

“(c) USE OF INFORMATION.—The National Transportation Safety Board, the Secretary of Transportation, and Amtrak may not release any personal information on a list obtained under subsection (b)(1) but may provide information on the list about a passenger to the family of the passenger to the extent that the Board or Amtrak considers appropriate.

“(d) LIMITATION ON LIABILITY.—Amtrak shall not be liable for damages in any action brought in a Federal or State court arising out of the performance of Amtrak in preparing or providing a passenger list, or in providing information concerning a train reservation, pursuant to a plan submitted by Amtrak under subsection (b), unless such liability was caused by Amtrak's conduct.

“(e) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this section may be con-

strued as limiting the actions that Amtrak may take, or the obligations that Amtrak may have, in providing assistance to the families of passengers involved in a rail passenger accident.

“(f) FUNDING.—Out of funds appropriated pursuant to section 217(b) of the Rail Security Act of 2006, there shall be made available to the Secretary of Transportation for the use of Amtrak \$500,000 for fiscal year 2007 to carry out this section. Amounts made available pursuant to this subsection shall remain available until expended.”

(b) CONFORMING AMENDMENT.—The chapter analysis for chapter 243 of title 49, United States Code, is amended by adding at the end the following:

“24316. Plan to assist families of passengers involved in rail passenger accidents.”

**SEC. —209. NORTHERN BORDER RAIL PASSENGER REPORT.**

Within 180 days after the date of enactment of this Act, the Secretary of Homeland Security, in consultation with the Assistant Secretary of Homeland Security (Transportation Security Administration), the Secretary of Transportation, heads of other appropriate Federal departments, and agencies and the National Railroad Passenger Corporation, shall transmit a report to the Senate Committee on Commerce, Science, and Transportation, the House of Representatives Committee on Transportation and Infrastructure, and the House of Representatives Committee on Homeland Security that contains—

(1) a description of the current system for screening passengers and baggage on passenger rail service between the United States and Canada;

(2) an assessment of the current program to provide preclearance of airline passengers between the United States and Canada as outlined in “The Agreement on Air Transport Preclearance between the Government of Canada and the Government of the United States of America”, dated January 18, 2001;

(3) an assessment of the current program to provide preclearance of freight railroad traffic between the United States and Canada as outlined in the “Declaration of Principle for the Improved Security of Rail Shipments by Canadian National Railway and Canadian Pacific Railway from Canada to the United States”, dated April 2, 2003;

(4) information on progress by the Department of Homeland Security and other Federal agencies towards finalizing a bilateral protocol with Canada that would provide for preclearance of passengers on trains operating between the United States and Canada;

(5) a description of legislative, regulatory, budgetary, or policy barriers within the United States Government to providing pre-screened passenger lists for rail passengers traveling between the United States and Canada to the Department of Homeland Security;

(6) a description of the position of the Government of Canada and relevant Canadian agencies with respect to preclearance of such passengers;

(7) a draft of any changes in existing Federal law necessary to provide for pre-screening of such passengers and providing pre-screened passenger lists to the Department of Homeland Security; and

(8) an analysis of the feasibility of reinstating in-transit inspections onboard international Amtrak trains.

**SEC. —210. RAIL WORKER SECURITY TRAINING PROGRAM.**

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary of Homeland Security and the Secretary of Transportation, in consultation

with appropriate law enforcement, security, and terrorism experts, representatives of railroad carriers, and nonprofit employee organizations that represent rail workers, shall develop and issue detailed guidance for a rail worker security training program to prepare front-line workers for potential threat conditions. The guidance shall take into consideration any current security training requirements or best practices.

(b) PROGRAM ELEMENTS.—The guidance developed under subsection (a) shall include elements, as appropriate to passenger and freight rail service, that address the following:

(1) Determination of the seriousness of any occurrence.

(2) Crew communication and coordination.

(3) Appropriate responses to defend or protect oneself.

(4) Use of protective devices.

(5) Evacuation procedures.

(6) Psychology of terrorists to cope with hijacker behavior and passenger responses.

(7) Situational training exercises regarding various threat conditions.

(8) Any other subject the Secretary considers appropriate.

(c) RAILROAD CARRIER PROGRAMS.—Not later than 90 days after the Secretary of Homeland Security issues guidance under subsection (a) in final form, each railroad carrier shall develop a rail worker security training program in accordance with that guidance and submit it to the Secretary for review. Not later than 30 days after receiving a railroad carrier's program under this subsection, the Secretary shall review the program and transmit comments to the railroad carrier concerning any revisions the Secretary considers necessary for the program to meet the guidance requirements. A railroad carrier shall respond to the Secretary's comments within 30 days after receiving them.

(d) TRAINING.—Not later than 1 year after the Secretary reviews the training program developed by a railroad carrier under this section, the railroad carrier shall complete the training of all front-line workers in accordance with that program. The Secretary shall review implementation of the training program of a representative sample of railroad carriers and report to the Senate Committee on Commerce, Science, and Transportation, the House of Representatives Committee on Transportation and Infrastructure, and the House of Representatives Committee on Homeland Security on the number of reviews conducted and the results. The Secretary may submit the report in both classified and redacted formats as necessary.

(e) UPDATES.—The Secretary shall update the training guidance issued under subsection (a) as appropriate to reflect new or different security threats. Railroad carriers shall revise their programs accordingly and provide additional training to their front-line workers within a reasonable time after the guidance is updated.

(f) FRONT-LINE WORKERS DEFINED.—In this section, the term “front-line workers” means security personnel, dispatchers, train operators, other onboard employees, maintenance and maintenance support personnel, bridge tenders, as well as other appropriate employees of railroad carriers, as defined by the Secretary.

(g) OTHER EMPLOYEES.—The Secretary of Homeland Security shall issue guidance and best practices for a rail shipper employee security program containing the elements listed under subsection (b) as appropriate.

**SEC. —211. WHISTLEBLOWER PROTECTION PROGRAM.**

(a) IN GENERAL.—Subchapter A of chapter 201 of title 49, United States Code, is amended by inserting after section 20117 the following:

# “§ 20118. Whistleblower protection for rail security matters

“(a) DISCRIMINATION AGAINST EMPLOYEE.—No rail carrier engaged in interstate or foreign commerce may discharge a railroad employee or otherwise discriminate against a railroad employee because the employee (or any person acting pursuant to a request of the employee)—

“(1) provided, caused to be provided, or is about to provide or cause to be provided, to the employer or the Federal Government information relating to a reasonably perceived threat, in good faith, to security; or

“(2) provided, caused to be provided, or is about to provide or cause to be provided, testimony before Congress or at any Federal or State proceeding regarding a reasonably perceived threat, in good faith, to security; or

“(3) refused to violate or assist in the violation of any law, rule or regulation related to rail security.

“(b) DISPUTE RESOLUTION.—A dispute, grievance, or claim arising under this section is subject to resolution under section 3 of the Railway Labor Act (45 U.S.C. 153). In a proceeding by the National Railroad Adjustment Board, a division or delegate of the Board, or another board of adjustment established under section 3 to resolve the dispute, grievance, or claim the proceeding shall be expedited and the dispute, grievance, or claim shall be resolved not later than 180 days after it is filed. If the violation is a form of discrimination that does not involve discharge, suspension, or another action affecting pay, and no other remedy is available under this subsection, the Board, division, delegate, or other board of adjustment may award the employee reasonable damages, including punitive damages, of not more than \$20,000.

“(c) PROCEDURAL REQUIREMENTS.—Except as provided in subsection (b), the procedure set forth in section 42121(b)(2)(B) of this title, including the burdens of proof, applies to any complaint brought under this section.

“(d) ELECTION OF REMEDIES.—An employee of a railroad carrier may not seek protection under both this section and another provision of law for the same allegedly unlawful act of the carrier.

“(e) DISCLOSURE OF IDENTITY.—

“(1) Except as provided in paragraph (2) of this subsection, or with the written consent of the employee, the Secretary of Transportation may not disclose the name of an employee of a railroad carrier who has provided information about an alleged violation of this section.

“(2) The Secretary shall disclose to the Attorney General the name of an employee described in paragraph (1) of this subsection if the matter is referred to the Attorney General for enforcement.”.

(b) CONFORMING AMENDMENT.—The chapter analysis for chapter 201 of title 49, United States Code, is amended by inserting after the item relating to section 20117 the following:

“20118. Whistleblower protection for rail security matters.”.

## SEC. —212. HIGH HAZARD MATERIAL SECURITY THREAT MITIGATION PLANS.

(a) IN GENERAL.—The Secretary of Homeland Security, in consultation with the Assistant Secretary of Homeland Security (Transportation Security Administration) and the Secretary of Transportation, shall require rail carriers transporting a high hazard material, as defined in section —205(g) of this title and of a quantity equal or exceeding the quantities of such material listed in subpart 172.800, title 49, Federal Code of Regulations, to develop a high hazard material security threat mitigation plan containing appropriate measures, including alternative

routing and temporary shipment suspension options, to address assessed risks to high consequence targets. The plan, and any information submitted to the Secretary under this section shall be protected as sensitive security information under the regulations prescribed under section 114(s) of title 49, United States Code.

(b) IMPLEMENTATION.—A high hazard material security threat mitigation plan shall be put into effect by a rail carrier for the shipment of high hazardous materials by rail on the rail carrier's right-of-way when the threat levels of the Homeland Security Advisory System are high or severe and specific intelligence of probable or imminent threat exists towards—

(1) a high-consequence target that is within the catastrophic impact zone of a railroad right-of-way used to transport high hazardous material; or

(2) rail infrastructure or operations within the immediate vicinity of a high-consequence target.

(c) COMPLETION AND REVIEW OF PLANS.—

(1) PLANS REQUIRED.—Each rail carrier shall—

(A) submit a list of routes used to transport high hazard materials to the Secretary of Homeland Security within 60 days after the date of enactment of this Act;

(B) develop and submit a high hazard material security threat mitigation plan to the Secretary within 180 days after it receives the notice of high consequence targets on such routes by the Secretary; and

(C) submit any subsequent revisions to the plan to the Secretary within 30 days after making the revisions.

(2) REVIEW AND UPDATES.—The Secretary, with assistance of the Secretary of Transportation, shall review the plans and transmit comments to the railroad carrier concerning any revisions the Secretary considers necessary. A railroad carrier shall respond to the Secretary's comments within 30 days after receiving them. Each rail carrier shall update and resubmit its plan for review not less than every 2 years.

(d) DEFINITIONS.—In this section:

(1) The term “high-consequence target” means a building, buildings, infrastructure, public space, or natural resource designated by the Secretary of Homeland Security that is viable terrorist target of national significance, the attack of which could result in—

(A) catastrophic loss of life; and

(B) significantly damaged national security and defense capabilities; or

(C) national economic harm.

(2) The term “catastrophic impact zone” means the area immediately adjacent to, under, or above an active railroad right-of-way used to ship high hazard materials in which the potential release or explosion of the high hazard material being transported would likely cause—

(A) loss of life; or

(B) significant damage to property or structures.

(3) The term “rail carrier” has the meaning given that term by section 10102(5) of title 49, United States Code.

## SEC. —213. MEMORANDUM OF AGREEMENT.

(a) MEMORANDUM OF AGREEMENT.—Similar to the public transportation security annex between the two departments signed on September 8, 2005, within 1 year after the date of enactment of this Act, the Secretary of Transportation and the Secretary of Homeland Security shall execute and develop an annex to the memorandum of agreement between the two departments signed on September 28, 2004, governing the specific roles, delineations of responsibilities, resources and commitments of the Department of Transportation and the Department of

Homeland Security, respectively, in addressing railroad transportation security matters, including the processes the departments will follow to promote communications, efficiency, and nonduplication of effort.

(b) RAIL SAFETY REGULATIONS.—Section 20103(a) of title 49, United States Code, is amended by striking “safety” the first place it appears, and inserting “safety, including security.”.

## SEC. —214. RAIL SECURITY ENHANCEMENTS.

(a) RAIL POLICE OFFICERS.—Section 28101 of title 49, United States Code, is amended—

(1) by inserting “(a) IN GENERAL.—” before “Under”; and

(2) by striking “the rail carrier” each place it appears and inserting “any rail carrier”.

(b) REVIEW OF RAIL REGULATIONS.—Within 1 year after the date of enactment of this Act, the Secretary of Transportation, in consultation with the Secretary of Homeland Security and the Assistant Secretary of Homeland Security (Transportation Security Administration), shall review existing rail regulations of the Department of Transportation for the purpose of identifying areas in which those regulations need to be revised to improve rail security.

## SEC. —215. PUBLIC AWARENESS.

Not later than 90 days after the date of enactment of this Act, the Secretary of Homeland Security, in consultation with the Secretary of Transportation, shall develop a national plan for public outreach and awareness. Such plan shall be designed to increase awareness of measures that the general public, railroad passengers, and railroad employees can take to increase railroad system security. Such plan shall also provide outreach to railroad carriers and their employees to improve their awareness of available technologies, ongoing research and development efforts, and available Federal funding sources to improve railroad security. Not later than 9 months after the date of enactment of this Act, the Secretary of Homeland Security shall implement the plan developed under this section.

## SEC. —216. RAILROAD HIGH HAZARD MATERIAL TRACKING.

(a) WIRELESS COMMUNICATIONS.—

(1) IN GENERAL.—In conjunction with the research and development program established under section —206 and consistent with the results of research relating to wireless tracking technologies, the Secretary of Homeland Security, in consultation with the Assistant Secretary of Homeland Security (Transportation Security Administration), shall develop a program that will encourage the equipping of rail cars transporting high hazard materials (as defined in section —205(g) of this title) in quantities equal to or greater than the quantities specified in subpart 171.800 of title 49, Code of Federal Regulations, with wireless terrestrial or satellite communications technology that provides—

(A) car position location and tracking capabilities;

(B) notification of rail car depressurization, breach, or unsafe temperature; and

(C) notification of hazardous material release.

(2) COORDINATION.—In developing the program required by paragraph (1), the Secretary shall—

(A) consult with the Secretary of Transportation to coordinate the program with any ongoing or planned efforts for rail car tracking at the Department of Transportation; and

(B) ensure that the program is consistent with recommendations and findings of the Department of Homeland Security's hazardous material tank rail car tracking pilot programs.

(b) FUNDING.—Out of funds appropriated pursuant to section 114(u) of title 49, United

States Code, there shall be made available to the Secretary of Homeland Security to carry out this section \$3,000,000 for each of fiscal years 2007, 2008, and 2009.

#### SEC. —217. AUTHORIZATION OF APPROPRIATIONS.

(a) TRANSPORTATION SECURITY ADMINISTRATION AUTHORIZATION.—Section 114 of title 49, United States Code, is amended by adding at the end thereof the following:

“(u) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Homeland Security, (Transportation Security Administration) for rail security—

- “(1) \$206,500,000 for fiscal year 2007;
- “(2) \$168,000,000 for fiscal year 2008; and
- “(3) \$168,000,000 for fiscal year 2009.”.

(b) DEPARTMENT OF TRANSPORTATION.—There are authorized to be appropriated to the Secretary of Transportation to carry out this title and sections 20118 and 24316 of title 49, United States Code, as added by this title—

- (1) \$225,000,000 for fiscal year 2007;
- (2) \$223,000,000 for fiscal year 2008; and
- (3) \$223,000,000 for fiscal year 2009.

#### TITLE —IMPROVED MARITIME SECURITY

#### SEC. —301. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This title may be cited as the “Maritime and Transportation Security Act of 2006.”

(b) TABLE OF CONTENTS.—The table of contents for this title is as follows:

TITLE	—IMPROVED MARITIME SECURITY
Sec. —301.	Short title; table of contents.
Sec. —302.	Establishment of additional interagency operational centers for port security.
Sec. —303.	Area maritime transportation security plan to include salvage response plan.
Sec. —304.	Assistance for foreign ports.
Sec. —305.	Specific port security initiatives.
Sec. —306.	Technical requirements for non-intrusive inspection equipment.
Sec. —307.	Random inspection of containers.
Sec. —308.	Port security user fee study.
Sec. —309.	Port security grants.
Sec. —310.	Work stoppages and employee-employer disputes.
Sec. —311.	Inspection of car ferries entering from Canada.

#### SEC. —302. ESTABLISHMENT OF ADDITIONAL INTERAGENCY OPERATIONAL CENTERS FOR PORT SECURITY.

(a) IN GENERAL.—In order to improve interagency cooperation, unity of command, and the sharing of intelligence information in a common mission to provide greater protection for port and intermodal transportation systems against acts of terrorism, the Secretary of Homeland Security, acting through the Commandant of the Coast Guard, shall establish interagency operational centers for port security at all high priority ports.

(b) CHARACTERISTICS.—The interagency operational centers shall—

(1) be based on the most appropriate compositional and operational characteristics of the pilot project interagency operational centers for port security in Miami, Florida, Norfolk/Hampton Roads, Virginia, Charleston, South Carolina, and San Diego, California, and the virtual operation center at the port of New York/New Jersey;

(2) be adapted to meet the security needs, requirements, and resources of the individual port area at which each is operating;

(3) provide for participation by—

(A) representatives of the United States Customs and Border Protection, Immigra-

tion and Customs Enforcement, the Transportation Security Administration, the Department of Defense, and other Federal agencies, as determined to be appropriate by the Secretary of Homeland Security;

(B) representatives of State and local law enforcement or port security agencies and personnel; and

(C) members of the area maritime security committee, as deemed appropriate by the captain of the port;

(4) be incorporated in the implementation of—

(A) maritime transportation security plans developed under section 70103 of title 46, United States Code;

(B) maritime intelligence activities under section 70113 of that title;

(C) short and long range vessel tracking under sections 70114 and 70115 of that title;

(D) secure transportation systems under section 70119 of that title;

(E) the United States Customs and Border Protection's screening and high-risk cargo inspection programs; and

(F) the transportation security incident response plans required by section 70104 of that title.

(c) 2005 ACT REPORT REQUIREMENT.—Nothing in this section relieves the Commandant of the Coast Guard from compliance with the requirements of section 807 of the Coast Guard and Maritime Transportation Act of 2004. The Commandant shall utilize the information developed in making the report required by that section in carrying out the requirements of this section.

(d) BUDGET AND COST-SHARING ANALYSIS.—Within 180 days after the date of enactment of this Act, the Secretary shall transmit to the Senate Committee on Commerce, Science, and Transportation, the House of Representatives Committee on Transportation and Infrastructure, and the House of Representatives Committee on Homeland Security a proposed budget analysis for implementing subsection (a), including cost-sharing arrangements with other Federal departments and agencies involved in the interagency operation of the centers.

(e) SECURITY CLEARANCE ASSISTANCE.—The Secretary of the department in which the Coast Guard is operating may assist non-Federal personnel described in subsection (b)(3)(B) or (C) in obtaining expedited appropriate security clearances and in maintaining their security clearances.

(f) SECURITY INCIDENTS.—During a transportation security incident (as defined in section 70101(6) of title 46, United States Code) involving a port, the Coast Guard Captain of the Port designated by the Commandant of the Coast Guard in each joint operations center for maritime security shall act as the incident commander, unless otherwise directed under the National Maritime Transportation Security Plan established under section 70103 of title 46, United States Code.

#### SEC. —303. AREA MARITIME TRANSPORTATION SECURITY PLAN TO INCLUDE SALVAGE RESPONSE PLAN.

Section 70103(b)(2) of title 46, United States Code, is amended—

(1) by redesignating subparagraphs (E) and (F) as subparagraphs (F) and (G), respectively; and

(2) by inserting after subparagraph (D) the following:

“(E) include a salvage response plan—

“(i) to identify salvage equipment capable of restoring operational trade capacity; and

“(ii) to ensure that the flow of cargo through United States ports is re-established as efficiently and quickly as possible after a transportation security incident.”.

#### SEC. —304. ASSISTANCE FOR FOREIGN PORTS.

(a) IN GENERAL.—Section 70109 of title 46, United States Code, is amended—

(1) by striking the section heading and inserting the following:

#### “§ 70109. International cooperation and coordination”; and

(2) by adding at the end the following:

“(c) FOREIGN ASSISTANCE PROGRAMS.—

“(1) IN GENERAL.—The Secretary, in consultation with the Secretary of Transportation, the Secretary of State, the Secretary of Energy, and the Commandant of the United States Coast Guard, shall identify foreign assistance programs that could facilitate implementation of port security antiterrorism measures in foreign countries. The Secretary shall establish a program to utilize those programs that are capable of implementing port security antiterrorism measures at ports in foreign countries that the Secretary finds, under section 70108, to lack effective antiterrorism measures.

“(2) CARIBBEAN BASIN.—The Secretary, in coordination with the Secretary of State and in consultation with the Organization of American States and the Commandant of the United States Coast Guard, shall place particular emphasis on utilizing programs to facilitate the implementation of port security antiterrorism measures at the ports located in the Caribbean Basin, as such ports pose unique security and safety threats to the United States due to—

“(A) the strategic location of such ports between South America and United States;

“(B) the relative openness of such ports; and

“(C) the significant number of shipments of narcotics to the United States that are moved through such ports.

“(d) INTERNATIONAL CARGO SECURITY STANDARDS.—The Secretary, in consultation with the Secretary of State, shall enter into negotiations with foreign governments and international organizations, including the International Maritime Organization, the World Customs Organization, and the International Standards Organization, as appropriate—

“(1) to promote standards for the security of containers and other cargo moving within the international supply chain;

“(2) to encourage compliance with minimum technical requirements for the capabilities of nonintrusive inspection equipment, including imaging and radiation detection devices, established under section — of the Maritime and Transportation Security Act of 2006 Act;

“(3) to implement the requirements of the container security initiative under section 70117; and

“(4) to implement standards and procedures established under section 70119.”.

(b) REPORT ON SECURITY AT PORTS IN THE CARIBBEAN BASIN.—Not later than 180 days after the date of enactment of this Act, the Comptroller General shall submit to the Senate Committee on Commerce, Science, and Transportation, the House of Representatives Committee on Transportation and Infrastructure, and the House of Representatives Committee on Homeland Security a report on the security of ports in the Caribbean Basin. The report—

(1) shall include—

(A) an assessment of the effectiveness of the measures employed to improve security at ports in the Caribbean Basin and recommendations for any additional measures to improve such security;

(B) an estimate of the number of ports in the Caribbean Basin that will not be secured by January 1, 2007, and an estimate of the financial impact in the United States of any action taken pursuant to section 70110 of title 46, United States Code, that affects trade between such ports and the United States; and

(C) an assessment of the additional resources and program changes that are necessary to maximize security at ports in the Caribbean Basin; and

(2) may be submitted in both classified and redacted formats.

(c) CONFORMING AMENDMENT.—The chapter analysis for chapter 701 of title 46, United States Code, is amended by striking the item relating to section 70901 and inserting the following:

“70901. International cooperation and coordination”.

**SEC. —305. SPECIFIC PORT SECURITY INITIATIVES.**

(a) IN GENERAL.—Chapter 701 of title 46, United States Code, is amended—

(1) by redesignating the second section 70118 (relating to withholding of clearance), as added by section 802(a)(2) of the Coast Guard and Maritime Transportation Act of 2004, as section 70119;

(2) by redesignating the first section 70119 (relating to enforcement by State and local officers), as added by section 801(a) of the Coast Guard and Maritime Transportation Act of 2004, as section 70120;

(3) by redesignating the second section 70119 (relating to civil penalty), as redesignated by section 802(a)(1) of the Coast Guard and Maritime Transportation Act of 2004, as section 70122;

(4) by striking section 70116;

(5) by redesignating sections 70117 through 70122 (as redesignated) as sections 70120 through 70126; and

(5) by inserting after section 70115 the following:

**“§ 70116. Automated targeting system**

“(a) IN GENERAL.—The Secretary shall develop and maintain an antiterrorism cargo identification and screening system for containerized cargo shipped to the United States either directly or via a foreign port to assess imports and target those imports which pose a high risk of containing contraband.

“(b) 24-HOUR ADVANCE NOTIFICATION.—In order to provide the best possible data for the automated targeting system, the Secretary shall require importers shipping goods to the United States via cargo container to supply advanced trade data not later than 24 hours before loading a container under the advance notification requirements under section 484(a)(2) of the Tariff Act of 1930 (19 U.S.C. 1484(a)(2)). The requirement shall apply to goods entered after July 1, 2007.

“(c) SECURE TRANSMISSION; CONFIDENTIALITY.—All information required by the Secretary from supply chain partners under this section shall—

“(1) be transmitted in a secure fashion, as determined by the Secretary, so as to protect the information from unauthorized access; and

“(2) shall not be subject to public disclosure under section 552 of title 5.

“(d) AUTHORIZATION OF APPROPRIATIONS.—

“(1) There are authorized to be appropriated to the Secretary of Homeland Security to carry out the automated targeting system program to identify high-risk oceanborne container cargo for inspection—

“(A) \$30,700,000 for fiscal year 2007;

“(B) \$33,200,000 for fiscal year 2008; and

“(C) \$35,700,000 for fiscal year 2009.

“(2) The amounts authorized by this subsection shall be in addition to any other amounts authorized to be appropriated to carry out that program.

**“§ 70117. Container security initiative**

“(a) IN GENERAL.—The Secretary shall issue regulations to—

“(1) evaluate and screen cargo documents prior to loading in a foreign port for shipment to the United States, either directly or via a foreign port; and

“(2) inspect high-risk cargo in a foreign port intended for shipment to the United States by physical examination or nonintrusive examination by technological means.

“(b) IMPLEMENTATION.—The Commissioner of Customs and Border Protection shall execute inspection and screening protocols with authorities in foreign ports to ensure that the standards and procedures promulgated under subsection (a) are implemented in an effective manner.

“(c) APPLICATION OF CONTAINER SECURITY INITIATIVE TO OTHER PORTS.—

“(1) IN GENERAL.—The Secretary, through the Commissioner of Customs and Border Protection, may designate foreign seaports under this section if, with respect to any such seaport, the Secretary determines that—

“(A) the seaport—

“(i) presents a significant level of risk;

“(ii) is a significant port or origin or transshipment, in terms of volume or value, for cargo being imported to the United States; and

“(iii) is potentially capable of validating a secure system of transportation pursuant to section 70119; and

“(B) the Department of State and representatives of the country with jurisdiction over the port have completed negotiations to ensure compliance with the requirements of the container security initiative.

“(2) COORDINATION WITH INTERNATIONAL CARGO SECURITY STANDARDS.—In carrying out paragraph (a), the Secretary shall—

“(A) consult with the Secretary of State concerning progress under section 70109(d); and

“(B) coordinate activities under paragraph (1) with activities conducted under that section.

“(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary to carry out this section—

“(1) \$142,000,000 for fiscal year 2007;

“(2) \$144,000,000 for fiscal year 2008; and

“(3) \$146,000,000 for fiscal year 2009.

**“§ 70118. Customs-Trade Partnership Against Terrorism validation program**

“(a) IN GENERAL.—The Secretary shall establish a voluntary program to strengthen and improve the overall security of the international supply chain and United States border security.

“(b) VALIDATION; RECORDS MANAGEMENT.—The Secretary shall issue regulations—

“(1) to strengthen the validation process to verify that security programs of members of the Customs-Trade Partnership Against Terrorism have been implemented and that the program benefits should continue by providing appropriate guidance to specialists conducting such validations, including establishing what level of review is adequate to determine whether member security practices are reliable, accurate, and effective; and

“(2) to implement a records management system that documents key decisions and significant operational events accurately and in a timely manner, including a reliable system for—

“(A) documenting and maintaining records of all decisions in the application through validation processes, including documentation of the objectives, scope, methodologies, and limitations of validations; and

“(B) tracking member status.

“(b) HUMAN CAPITAL PLAN.—Within 6 months after the date of enactment of the Transportation Security Improvement Act of 2005, the Secretary shall complete a human capital plan, that clearly describes how the Customs-Trade Partnership Against Terrorism program will recruit, train, and retain sufficient staff to conduct the work of

the program successfully, including reviewing security profiles, vetting, and conducting validations to mitigate program risk.

“(c) REVALIDATION.—The Secretary shall establish a process for revalidating C-TPAT participants. Such revalidation shall occur not less frequently than once during every 3-year period following validation.

“(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary to carry out this section not to exceed—

“(1) \$60,000,000 for fiscal year 2007;

“(2) \$65,000,000 for fiscal year 2008; and

“(3) \$72,000,000 for fiscal year 2009.

**“§ 70119. Secure systems of transportation**

“(a) IN GENERAL.—The Secretary shall establish a program, to be known as the ‘GreenLane program’, to evaluate and certify secure systems of international intermodal transportation—

“(1) to ensure the security and integrity of shipments of goods to the United States from the point at which such goods are initially packed or loaded into a cargo container for international shipment until they reach their ultimate destination; and

“(2) to facilitate the movement of such goods through the entire supply chain through an expedited security and clearance program.

“(b) PROGRAM ELEMENTS.—In establishing and conducting the program under subsection (a) the Secretary, acting through the Commissioner of Customs and Border Protection, shall—

“(1) establish standards and procedures for verifying, at the point at which goods are placed in a cargo container for shipping, that the container is free of unauthorized hazardous chemical, biological, or nuclear material and for securely sealing such containers after the contents are so verified;

“(2) ensure that cargo is loaded at a port designated under section 70117 for shipment to the United States;

“(3) develop performance standards to enhance the physical security of shipping containers, including performance standards for container security devices;

“(4) establish standards and procedures for securing cargo and monitoring that security while in transit;

“(5) ensure that cargo complies with additional security criteria established by the Secretary beyond the minimum requirements for C-TPAT participation under section 70118, particularly in the area of access controls;

“(6) establish standards and procedures for allowing the United States Government to ensure and validate compliance with this program; and

“(7) incorporate any other measures the Secretary considers necessary to ensure the security and integrity of international intermodal transport movements.

“(c) BENEFITS FROM PARTICIPATION.—

“(1) ELIGIBILITY.—The Commissioner of Customs and Border Protection may by regulation provide for expedited clearance of cargo for an entity that—

“(A) meets or exceeds the standards established under subsection (b); and

“(B) certifies the security of its supply chain not less often than once every 2 years to the Secretary.

“(2) BENEFITS.—The expedited clearance provided under paragraph (1) to any eligible entity may include—

“(A) the expedited release of GreenLane cargo into destination ports within the United States during all threat levels designated by the Secretary or the Commandant of the Coast Guard;

“(B) reduced or eliminated bonding requirements for GreenLane cargo;

“(C) priority processing for searches;

“(D) further reduced scores in the automated targeting system; and

“(E) streamlined billing of any customs duties or fees.

“(d) CONSEQUENCES OF LACK OF COMPLIANCE.—

“(1) IN GENERAL.—Any participant whose security measures and supply chain security practices have been determined by the Secretary to be out of compliance with any requirements of the program shall be denied benefits under the program.

“(2) RIGHT OF APPEAL.—Any participant determined by the Secretary under paragraph (1) not to be in compliance with the requirements of the program may appeal that determination to the Secretary.”.

(b) CONFORMING AMENDMENTS.—

(1) The chapter analysis for chapter 701 of title 46, United States Code, is amended by striking the items following the item relating to section 70116 and inserting the following:

“70116. Automated targeting system

“70117. Container security initiative

“70118. Customs-Trade Partnership Against Terrorism validation program

“70119. Secure systems of transportation

“70120. In rem liability for civil penalties and certain costs

“70121. Firearms, arrests, and seizure of property

“70122. Withholding of clearance

“70123. Enforcement by State and local officers

“70124. Container security initiative

“70125. Civil penalty”.

(2) Section 70117(a) of title 46, United States Code, is amended by striking “section 70120” and inserting “section 70125”.

(3) Section 70119(a) of such title, as redesignated by subsection (a)(1) of this section, is amended—

(A) by striking “under section 70119,” and inserting “under section 70125,”; and

(B) by striking “under section 70120,” and inserting “under that section.”.

#### SEC. —306. TECHNICAL REQUIREMENTS FOR NON-INTRUSIVE INSPECTION EQUIPMENT.

(a) IN GENERAL.—Within 180 days after the date of enactment of this Act, the Domestic Nuclear Detection Office, in consultation with the National Institute of Science and Technology and the U.S. Customs and Border Protection, shall initiate a rulemaking—

(1) to establish minimum technical requirements for the capabilities of non-intrusive inspection equipment for cargo, including imaging and radiation devices; and

(2) to ensure that all equipment used can detect risks and threats as determined appropriate by the Secretary.

(b) ENDORSEMENTS; SOVEREIGNTY CONFLICTS.—In establishing such requirements, the Domestic Nuclear Detection Office shall be careful to avoid the endorsement of products associated with specific companies and the creation of sovereignty conflicts with participating countries.

(c) RADIATION SAFETY.—Not later than 90 days after the date of enactment of this Act, the Secretary of Homeland Security shall submit a plan to the Senate Committee on Commerce, Science, and Transportation, Senate Committee on Homeland Security and Governmental Affairs, the Senate Committee on Appropriations, the House of Representatives Committee on Homeland Security, and the House of Representatives Committee on Appropriations that—

(1) details the health and safety impacts of nonintrusive inspection technology; and

(2) describes the policy of the Bureau of Customs and Border Protection for using nonintrusive inspection equipment.

(d) FINAL RULE DEADLINE.—The Domestic Nuclear Detection Office shall issue a final rule under subsection (a) within 1 year after the rulemaking proceeding is initiated.

#### SEC. —307. RANDOM INSPECTION OF CONTAINERS.

Within 1 year after the date of enactment of this Act, the Commissioner of Customs and Border Protection shall develop and implement a plan, utilizing best practices for empirical scientific research design and random sampling standards for random physical inspection of shipping containers in addition to any targeted or pre-shipment inspection of such containers required by law or regulation or conducted under any other program conducted by the Commissioner. Nothing in this section shall be construed to mean that implementation of the random sampling plan would preclude the additional physical inspection of shipping containers not inspected pursuant to the plan.

#### SEC. —308. PORT SECURITY USER FEE STUDY.

The Secretary of Homeland Security shall conduct a study of the need for, and feasibility of, establishing a system of oceanborne and port-related intermodal transportation user fees that could be imposed and collected as a dedicated revenue source, on a temporary or continuing basis, to provide necessary funding for the improvement and maintenance of enhanced port security. Within 1 year after date of enactment of this Act, the Secretary shall submit a report to the Senate Committee on Commerce, Science, and Transportation, the House of Representatives Committee on Transportation and Infrastructure, and the House of Representatives Committee on Homeland Security that—

(1) contains the Secretary's findings, conclusions, and recommendations (including legislative recommendations if appropriate); and

(2) includes an assessment of the annual amount of customs fees and duties collected through oceanborne and port-related transportation and the amount and percentage of such fees and duties that are dedicated to improve and maintain security.

#### SEC. —309. PORT SECURITY GRANTS.

(a) BASIS FOR GRANTS.—Section 70107(a) of title 46, United States Code, is amended by striking “for making a fair and equitable allocation of funds” and inserting “based on risk and vulnerability”.

(b) ELIGIBLE COSTS.—Section 70107(b) of title 46, United States Code, is amended by striking paragraph (1) and redesignating paragraphs (2) through (4) as paragraphs (1) through (3), respectively.

(c) LETTERS OF INTENT.—Section 70107(e) of title 46, United States Code, is amended by adding at the end the following:

“(5) LETTERS OF INTENT.—The Secretary may execute letters of intent to commit funding to port sponsors from the Fund.”.

(d) OPERATION SAFE COMMERCE.—Section 70107(i) of title 46, United States Code, is amended—

(1) by redesignating paragraphs (4) and (5) as paragraphs (5) and (6); and

(2) by inserting after paragraph (3) the following:

“(4) OPERATION SAFE COMMERCE.—

“(A) IN GENERAL.—Not later than 1 year after the date of enactment of the [To be supplied] Act, the Secretary shall initiate grant projects that—

“(i) integrate nonintrusive inspection and radiation detection equipment with automatic identification methods for containers, vessels, and vehicles;

“(ii) test physical access control protocols and technologies;

“(iii) create a data sharing network capable of transmitting data required by entities

participating in the international supply chain from every intermodal transfer point to the National Targeting Center of the Department; and

“(iv) otherwise further maritime and cargo security, as determined by the Secretary.

“(B) SUPPLY CHAIN SECURITY FOR SPECIAL CONTAINER AND NONCONTAINERIZED CARGO.—The Secretary shall consider demonstration projects that further the security of the international supply chain for special container cargo, including refrigerated containers, and noncontainerized cargo, including roll-on/roll-off, break-bulk, liquid, and dry bulk cargo.

“(C) ANNUAL REPORT.—Not later than March 1 of each year, the Secretary shall submit a report detailing the results of Operation Safe Commerce to—

“(i) the Senate Committee on Commerce, Science, and Transportation;

“(ii) the Senate Committee on Homeland Security and Governmental Affairs;

“(iii) the House of Representatives Committee on Homeland Security;

“(iv) the Senate Committee on Appropriations; and

“(v) the House of Representatives Committee on Appropriations.”.

(e) RESEARCH, DEVELOPMENT, TEST, AND EVALUATION.—The Secretary of Homeland Security shall—

(1) direct research, development, test, and evaluation efforts in furtherance of maritime and cargo security;

(2) encourage the ingenuity of the private sector in developing and testing technologies and process innovations in furtherance of these objectives; and

(3) evaluate such technologies.

(f) COORDINATION.—The Secretary of Homeland Security, acting through the Undersecretary for Science and Technology, in consultation with the Assistant Secretary for Policy, the Director of Cargo Security Policy, and the Chief Financial Officer, shall ensure that—

(1) research, development, test, and evaluation efforts funded by the Department in furtherance of maritime and cargo security are coordinated to avoid duplication of efforts; and

(2) the results of such efforts are shared throughout the Department, as appropriate.

#### SEC. —310. WORK STOPPAGES AND EMPLOYEE-EMPLOYER DISPUTES.

Section 70101(6) is amended by inserting after “area.” the following: “In this paragraph, the term ‘economic disruption’ does not include a work stoppage or other non-violent employee-related action resulting from an employee-employer dispute.”.

#### SEC. —311. INSPECTION OF CAR FERRIES ENTERING FROM CANADA.

Within 120 days after the date of enactment of this Act, the Secretary of Homeland Security, acting through the Commissioner of Customs and Border Protection, in coordination with the Secretary of State, and their Canadian counterparts, shall develop a plan for the inspection of passengers and vehicles before such passengers board, or such vehicles are loaded onto, a ferry bound for a United States port.

**SA 3823.** Mr. LEAHY submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 121, line 14 after “That” insert the following:

of the funds appropriated under this heading, not less than \$3,300,000 shall be made

available for assistance for the Peace and Justice Unit of the Colombian Fiscalía notwithstanding section 599E of Public Law 109-102: *Provided further*, That

**SA 3824.** Mr. VOINOVICH submitted an amendment intended to be proposed to amendment SA 3613 submitted by Mr. VOINOVICH (for himself, Mr. OBAMA, Mr. DEWINE, Mr. LEVIN, Ms. STABENOW, Mr. DURBIN, and Mr. DAYTON) and intended to be proposed to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

In lieu of the matter proposed to be inserted, insert the following:

**SEC. \_\_\_\_ . CHICAGO SANITARY AND SHIP CANAL DEMONSTRATION BARRIER, ILLINOIS.**

(a) IN GENERAL.—Of the unobligated balances available for “OPERATION AND MAINTENANCE” under the heading “CORPS OF ENGINEERS—CIVIL” of title I of the Energy and Water Development Appropriations Act, 2006 (Public Law 109-103; 119 Stat. 2250), \$400,000 shall be made available for fiscal year 2006 for the maintenance of the Chicago Sanitary and Ship Canal Demonstration Barrier, Illinois, which was constructed under section 1202(i)(3) of the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 (16 U.S.C. 4722(i)(3)).

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 1202(i)(3)(C) of the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 (16 U.S.C. 4722(i)(3)(C)), is amended by striking “,” to carry out this paragraph, \$750,000” and inserting “such sums as are necessary to carry out the dispersal barrier demonstration project under this paragraph”.

**NOTICES OF HEARINGS/MEETINGS**

**COMMITTEE ON ENERGY AND NATURAL RESOURCES**

Mr. DOMENICI. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Committee on Energy and Natural Resources.

The hearing will be held on Monday, May 8, 2006 at 3 p.m. in room SD-366 of the Dirksen Building.

The purpose of the hearing is to receive testimony regarding issues associated with the implementation of the provisions of the Energy Policy Act of 2005 addressing licensing of hydroelectric facilities.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510-6150.

For further information, please contact Kellie Donnelly at (202) 224-9360 or Steve Waskiewicz at (202) 228-6195.

**AUTHORITY FOR COMMITTEES TO MEET**

**COMMITTEE ON ENERGY AND NATURAL RESOURCES**

Mr. COCHRAN. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Monday, May 1 at 2:30 p.m. The purpose of this hearing is to receive testimony regarding the economic and environmental issues associated with coal gasification technology and on implementation of the provisions of the Energy Policy Act of 2005 addressing coal gasification.

The PRESIDING OFFICER. Without objection, it is so ordered.

**PRIVILEGES OF THE FLOOR**

Mrs. MURRAY. Mr. President, I ask unanimous consent that Darren Benjamin, a detailee to the Committee on Appropriations, and Chris Heggem of committee staff be granted floor privileges during the debate on H.R. 4939.

The PRESIDING OFFICER. Without objection, it is so ordered.

**GERMAN RELEASE OF MOHAMMAD ALI HAMMADI**

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of S. Res. 457, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 457) expressing the sense of the Senate that the citizens of the United States and the United States Government have serious concerns regarding the release of convicted terrorist and murderer Mohammad Ali Hammadi by the Government of Germany.

There being no objection, the Senate proceeded to consider the resolution.

Mr. VITTER. Mr. President, I rise in support of S. Res. 457, expressing the Senate's disappointment with the government of Germany concerning their release of convicted terrorist and murderer Mohammad Ali Hammadi.

The German government in December of 2005 released Mohammad Ali Hammadi, a Hezbollah leader who killed U.S. Navy diver Robert Dean Stethem in the June 1985 Hezbollah hijacking of TWA Flight 847. Coincidentally, a few days later Susanne Osthoff, a German hostage was released. Mr. Stethem was savagely beaten and then executed for refusing the demands of his hijackers. Hammadi and his fellow terrorists escaped, but Hammadi was eventually arrested in Germany in 1987 for traveling with liquid explosives and sentenced to life in prison for the murder of Mr. Stethem. Hammadi's other accomplices are still part of the FBI's most wanted list and have a 15 million dollar bounty on their heads.

The German government released Hammadi despite a U.S. request for his

extradition to face numerous charges of terrorism. He was sentenced to life yet only served 18 years. Furthermore, despite our longstanding agreement to honor each others' extradition requests the German government flew Hammadi to Lebanon to reunite with his brothers who are senior Hezbollah leaders. The Germans did this despite knowing the United States does not have an extradition treaty with the government of Lebanon.

Sadly, the family of United States Navy diver Robert Dean Stethem was not notified in advance of Mr. Hammadi's release. Mr. Stethem is an American hero who was posthumously awarded the Bronze Star and Purple Heart and is buried at Arlington National Cemetery. He also has a United States Navy ship named in his honor called the USS *Stethem*.

We should continue to call on Lebanon to hand over Hammadi and other wanted terrorists to face trial in the United States, and we urge Lebanon to comply with such requests in order to help foster better relations between the United States and Lebanon. While the United States should continue to assist Lebanon in democratic reform initiatives, we must see results in denying refuge to some of the world's most wanted terrorists. The people of Lebanon have made great strides in recent times but the government of Lebanon must understand that continuing to harbor terrorists will only further isolate them from the international community and put future financial aid in doubt.

The murderers of Robert Stethem must be brought to justice, and a clear message must be sent that the brutal murder of American service members or civilians will neither be tolerated nor forgotten.

Mr. FRIST. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 457) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

**S. RES. 457**

Whereas, although the Government of Germany has been a significant partner in combating international terrorism, their release of Mohammad Ali Hammadi was a grave and unfortunate mistake;

Whereas, in 1985, Mr. Hammadi, along with Hasan Izz-Al-Din, Ali Atwa, and Imad Fayeze Mugniyah, hijacked Trans World Airlines Flight 847, and subsequently escaped from the scene of the hijacking;

Whereas United States Navy Petty Officer Robert Dean Stethem was singled out during the hijacking of Trans World Airlines Flight 847 because he was a serviceman of the United States, savagely beaten before being executed, and dumped on the tarmac of Beirut International Airport;

Whereas Petty Officer Stethem was posthumously awarded the Bronze Star and Purple Heart and buried at Arlington National Cemetery;